Commission Agenda Report

Planning Commission
Special Meeting
06-30-21
Item 2.A.

To: Chair Jennings and Members of the Planning Commission

Prepared by: Lilly Rudolph, Contract Planner

Approved by: Richard Mollica, Planning Director

Date prepared: June 24, 2021 Meeting date: June 30, 2021

Subject: Coastal Development Permit No. 17-086, Conditional Use Permit No. 21-001, General Plan Amendment No. 21-001, General Plan Map Amendment No. 17-002, Local Coastal Program Amendment No. 16-006, Zoning Map Amendment No. 17-002, Zoning Text Amendment No. 20-001, Development Agreement No. 21-001, Lot Merger No. 20-002, Demolition Permit No. 20-19, Initial Study No. 21-001, and Mitigated Negative Declaration No. 21-001 – An application for the conversion of an existing office building and gas station into a hotel, including new development (Continued from June 21, 2021)

Locations: 22729 and 22741 Pacific Coast Highway, within the appealable coastal zone
APNs: 4452 022-010 and 4452-022-017
Owners: Grey Granite, LLC; Las Tunas Beach, LLC; and Sea View Terrace, LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 21-47 (Attachment 1) recommending to the City Council the adoption of Initial Study No. 21-001 and Mitigated Negative Declaration No. 21-001 (IS/MND) prepared for the project pursuant to the California Environmental Quality Act (CEQA) and approval of Coastal Development Permit (CDP) No. 17-086, Conditional Use Permit (CUP) No. 21-001, General Plan Amendment (GPA) No. 21-001, General Plan Map Amendment (GPMA) No. 17-002, Local Coastal Program Amendment (LCPA) No. 16-006, Zoning Map Amendment (ZMA) No. 17-002, Zoning Text Amendment (ZTA) No. 20-001, Development Agreement (DA) No. 21-001, Lot Merger (LM) No. 20-002, and Demolition Permit (DP) No. 20-19 to rezone and change the land use designation of the properties from Community Commercial (CC) to Commercial Visitor Serving-Two (CV-2), a new Sea View Hotel Overlay District with associated development standards, including the proposed floor area ratio of 0.52 for the public benefits provided by the project, and a new 26,734 square foot, 39-room hotel, involving the remodel of an existing four-story,

15,392 square foot commercial building and a 9,500 square foot parking level at 22741 Pacific Coast Highway (PCH) and construction of a new two-story, 11,342 square foot addition plus a basement on an adjacent parcel at 22729 PCH, and authorizing the Planning Director to submit a letter of public convenience or necessity for the use. The project includes a restaurant/bar, spa, rooftop deck, swimming pool, new surface parking lot, hardscape, landscaping, grading, retaining wall, lighting, utilities, and an upgrade and expansion of the existing onsite wastewater treatment system and associated lot merger of the two involved (Grey Granite, LLC; Las Tunas Beach, LLC; and Sea View Terrace, LLC).

DISCUSSION: This agenda report provides a project overview, summary of the project setting and surrounding land uses, description of the proposed 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.

Project Overview

The Sea View Hotel Project (Project) is a proposed 39-room hotel development with associated amenities, including onsite public restaurant, bar, spa, and rooftop deck with a swimming pool, located near the Malibu Pier on the inland side of PCH (Attachment 2 – Project Plans). The 51,667 square foot (1.19 acre) project site encompasses two adjacent commercially developed parcels, 22729 and 22741 PCH, which will be merged into one parcel to create the Project Site. (Figure 1- 22729 PCH [Parcel A] and 22741 PCH [Parcel B]).

Figure 1 – Aerial Photograph

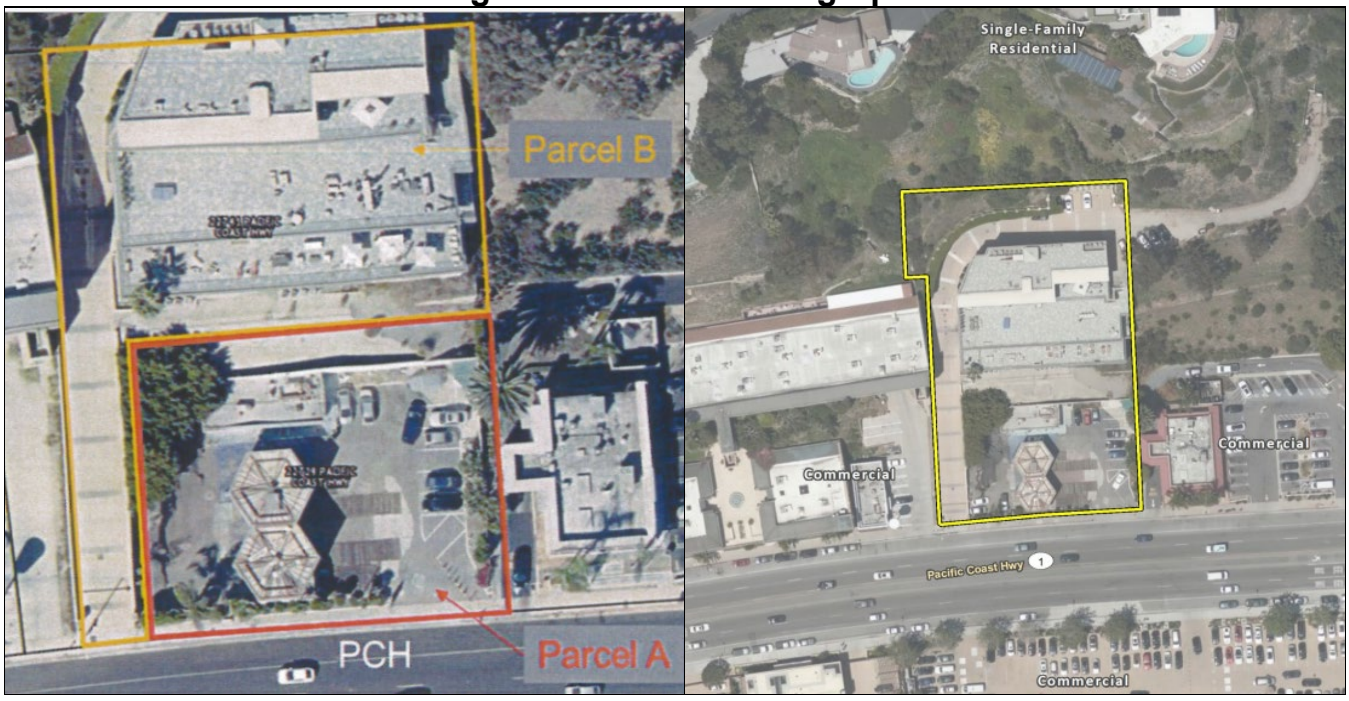


Table 1 provides a summary of the lot dimensions and lot area of the Project Site.

Table 1 – Total Project Site Data	
Lot Depth	290.03 feet
Lot Width	175 feet
Gross Lot Area	51,667 square feet (1.18 acres)
Area Comprised of 1:1 Slopes	0 square feet
Area Comprised of Easements	0 square feet
Net Lot Area*	**51,667 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.

Existing Development

The Project Site is at the base of a steep hillside to the north, and the existing development on the two parcels consists of commercial buildings and surface and covered parking areas:

- 22729 PCH— an 18,283 square foot parcel immediately adjacent to PCH
    - The parcel was developed in 1986 with a 1,000 square foot building, two canopies, surface parking, and a retaining wall along the northern property boundary for a gas station use that operated until 2005. Subsequently, an automotive detailing business operated on the property until June 30, 2020.
    - The existing development will be demolished to allow for construction of a new addition to 22741 PCH, comprised of 11,342 square feet of floor area, with 3,500 square feet of partially subterranean area, for the hotel use.
    - The proposed building square footage on this parcel consists of 0.62 FAR.

- 22741 PCH— a 33,384 square foot parcel immediately north and adjacent to 22729 PCH

  The existing development was approved by the City in 2006 as part of a resolution to a vesting claim. The parcel is developed with a four-story office building, consisting of three floors of office suites with 15,392 square feet of floor area, above a 9,500 square foot parking level containing 60 parking spaces.

  Due to the steep hillside, the office building was constructed in a stepped fashion, such that each level is located higher up and stepped into the hillside. As such, the height of the existing commercial/office building varies from 26.5 feet to 48 feet above the existing grade, and up to 25 to 40 feet higher in elevation than 22729 PCH.

- The existing development will be remodeled and converted to a hotel use.
- The existing development is legal-non conforming due to height and square footage. The existing FAR for this parcel is 0.46.
- The existing development will be brought into conformance with the City's development standards with the approval of the proposed Development Agreement and associated Sea View Hotel Overlay District that will be incorporated into the City's codes and General Plan.

Existing and Proposed Zoning/Land Use Designation

The City's land use and zoning maps (General Plan Land Use Map, MMC Zoning Map, LCP Land Use Map and LCP Zoning Map) designate the allowable land use, including type, maximum density, FAR, and intensity, for each parcel. Land use types include local commercial, visitor serving commercial, residential, institutional, recreational, and open space. The General Plan, Zoning Code and LCP also describe the allowable uses in each category.

The City's land use and zoning maps designate the Project Site as CC. The existing CC designation does not allow for the proposed hotel use. The Project includes amendments to the General Plan Land Use Map (GPMA), Zoning Map (ZMA), and LCP Land Use and Zoning maps (LCPA) to rezone the Project Site CV-2, a land use and zoning designation that allows for the proposed hotel use.

Table 2 – Existing and Proposed Zoning and Land Use Designation		
Application	**Existing Designation**	**Proposed Designation**
GPMA No. 17-002	CC	CV
LCPA No. 16-006	CC	CV-2
ZMA No. 17-002	CC	CV-2

Existing: The proposed hotel use is not a permitted use in the CC zone.

The CC land use and zoning designation is intended to provide the resident-serving needs of the community, including uses such as restaurants, banks, offices, and retail.

Specifically,

> COMMUNITY COMMERCIAL (CC): The CC designation is intended to provide for the resident serving needs of the community similar to the CN designation, but on parcels of land more suitable for concentrated commercial activity. The community commercial category plans for centers that offer a greater depth and range of merchandise in shopping and specialty goods than the neighborhood center although this category may include some of the uses also found in a neighborhood center. Often a supermarket or variety store functions as the anchor tenant. The maximum Floor to Area Ratio (FAR) is 0.15. The FAR may be increased to a maximum of 0.20 where public benefits and amenities are provided as part of the

project. Uses that are permitted and/or conditionally permitted include the following: all permitted uses within the CN designation, financial institutions, medical clinics, restaurants, service stations, heath care facilities, offices, and public open space and recreation.

Proposed: The hotel use is allowed as a conditionally permitted use in the Commercial Visitor Serving (CV) designation, as provided for in the General Plan. The MMC and LCP also specifically provide that a hotel is allowed as a conditionally permitted use in the CV-2 zoning district.

Specifically,

> COMMERCIAL VISITOR SERVING (CV): The CV designation provides for visitor serving uses such as hotels and restaurants that are designed to be consistent with the rural character and natural environmental setting, as well as public open space and recreation uses. Uses allowed in the other commercial categories (Commercial Neighborhood, Community Commercial, and Commercial General) may be permitted as part of projects approved on parcels designated Commercial Visitor Serving, so long as at least 50 percent of the overall floor area of any individual project is devoted to visitor serving uses. The maximum Floor to Area Ratio (FAR) is 0.15. The FAR may be increased to a maximum of 0.25 where public benefits and amenities are provided as part of the project. CV designations are divided into two levels of density. *Hotels are only permitted in CV-2 designations, the highest density designation*. Motels and bed and breakfast inns are allowed in the CV-1 designation. [Emphasis added].

Development Agreement and Associated Sea View Hotel Overlay District (Existing and Proposed Development Standards)

The Project includes a DA No. 21-001 to develop the site as proposed, in exchange for a variety of public benefits to be received by the City and its residents in conjunction with the Project (Attachment 3 – Draft Development Agreement). The approval of the Development Agreement would create a new overlay zone (Sea View Hotel Overlay District) with provisions for increased FAR and maximum building heights, a reduction in setback, landscaping, and parking requirements, and increased open space requirement.

Table 3 – Sea View Hotel Overlay District Entitlements

Application	Description
GPA No. 21-001	Add allowance for FAR of 0.52 in Section 1.5.4 Commercial Visitor Serving (CV) for the Sea View Hotel Overlay
LCPA No. 16-006	(1) Development agreement for public benefits and amenities in connection with a hotel project and new overlay zone; and (2) Add Sea View Hotel Overlay to LIP Section 3.4 and map
ZTA No. 20-001	Add Sea View Hotel Overlay District to MMC 17.42.020

Development Agreement (DA): Development Agreements are contracts approved by the City Council and entered into by the City and a developer to expressly define a project's regulations and the developer's commitment to provide benefits to the City. While a development agreement must advance the City's planning policies, it may also contain provisions that vary from otherwise applicable zoning standards and land use requirements, accompanied by appropriate zoning ordinance/LCP amendments.

For any commercial project requesting additional square footage pursuant to LIP Section 3.8(A)(5), as in this case, a Development Agreement is required to be processed pursuant to LIP Section 13.28 as an LCP amendment, and the City Council is required to apply one of the following guidelines pursuant to LIP Section 3.8(A)(5)(f): The Increase in Land Value Model; The Avoided Cost of Development Model; or The Increase in Total Project Value Mode. While the City Council is the decision-making body for Development Agreements, the Planning Commission is charged with making a report and recommendation to the City Council.

The Planning Commission acts exclusively as an advisory body to the City Council with respect to development agreements. Pursuant to LIP Section 13.28 and the corollary provisions of the MMC, the Planning Commission makes its recommendation to the City Council and the City Council subsequently renders a decision whether to approve or disapprove the DA.

On April 27, 2020, the City Council directed staff to negotiate the Development Agreement terms with the applicant. During a subsequent meeting with applicant, the applicant orally agreed to consider adding up to $400,000 to the City in addition to the $400,000 to the Mighty Underdogs. At staff's encouragement, the applicant indicated he would investigate whether potential partners would concede to adding two additional smaller rooms that could be used as low/moderate rate or elder hostel rooms.

On August 10, 2020, the City Council clarified that public benefit should be a cash contribution to the City, as opposed to a nonprofit organization, of $1,000,000 to be spent as the City Council determines to be an appropriate use. $250,000 should be paid prior to construction, with the balance to be paid after three months of hotel operation.

The draft DA includes language forecasting an annual increase of $1,000,000 in Transient Occupancy Tax. The DA notes a contribution of $400,000 to the City to be paid when building permits are issued. The DA also references a condition of approval requiring replacement of a check valve, which would cost up to $500,000.

Ultimately, the Development Agreement is to be consistent with the public convenience, general welfare and good land use practice, making it in the public interest to enter into the Development Agreement with the applicant. The Development Agreement provides for the orderly development of two parcels of property within the City's commercial corridor. The Development Agreement ensures that the project can be developed over

time in its approved form, and in exchange for the rights conferred in the Development Agreement, that the applicant will provide substantial public benefits to the City as a part of the development.

The applicant submitted an Avoided Cost of Development Model documenting the cost of construction for the project. The Public Works Department verified that the applicant-submitted construction costs are consistent with industry standards. (Attachment 5)

FAR: FAR establishes the total allowable square footage for commercial development pursuant to the commercial development standards contained in LIP Section 3.8. 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)

<u>FAR per LIP</u>

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). The lot area for the Project Site is 51,667 square feet.

- 0.15 FAR: The allowable FAR for the two combined parcels is 7,750.05 square feet.
- The existing commercial building at 27741 PCH is legal non-conforming with an FAR of 0.46.
- The allowable floor area for 22729 PCH is 2,742 square feet. The proposed floor area for 22729 PCH is 9,9,82 square feet and would exceed the allowed floor area by 7,240 square feet.

Pursuant to LIP Section 3.8(A)(5)(a) and (f), additional gross floor area may be approved by the City Council, up to the maximum allowed for the parcel under the LUP, where additional significant public benefits and amenities are provided as part of the project.

Pursuant to LUP Section 5(C)(2), the FAR may be increased to a maximum of 0.25 where public benefits and amenities are provided as part of the project.

- 0.25 FAR: The allowable FAR for the combined parcels is 12,917 square feet. However, given the existing 15,392 square-foot commercial building is legal, the adjusted allowable total floor area is 18,134 square feet.

FAR per General Plan

Pursuant to General Plan Section 1.5.4 Commercial Visitor Serving, the FAR shall range from a maximum of 0.15 to 0.25.

FAR Per Sea View Hotel Overlay District and DA

The proposed Development Agreement and associated Sea View Hotel Overlay District will modify the provisions of the General Plan, MMC, and LCP that limit FAR increases to a maximum of 0.25, and will modify the definition of floor area for the Sea View Hotel Overlay District.

The maximum FAR for the Project Site will be increased to 0.52; and access hallways and storage areas excavated into the hillside and not visible from PCH or any other public viewing area and will also be excluded from the definition of floor area.

- 0.52 FAR: The allowable FAR is 26,866.84 square feet. 26,734 square feet is proposed.

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.

Landscaping and Open Space Area per LIP

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. Based upon the lot area of 51,667 square feet:

- Landscaping at 40 percent of lot area: The required landscaping area is 20,666.8 square feet.

- Open Space at 25 percent of lot area: The required open space area is 12,916.75 square feet, which may include courtyards, patios, natural open space and additional landscaping, but not parking lots, buildings, exterior hallways and stairways.

Landscaping and Open Space Area per Sea View Hotel Overlay District and DA

The proposed Development Agreement and associated Sea View Hotel Overlay District will permit:

- Landscaping at a minimum of 22.25 percent of lot area: 11,495.91 square feet (22.25%) is required. 11,499.6 square feet is provided, comprised of 8,971 square feet at ground floor level, plus 2,528.6 square feet at seaward area of above ground decks.

- Open space at a minimum of 40 percent of lot area: 22,666.8 square feet (40%) is required. 22,807.6 square feet is provided, comprised of 1,313.8 square feet at ground level and first level reception area, plus 21,493.8 square feet at guest deck patios, not already included in landscape area.

Height: The commercial development standards regulate mass and visual impacts by regulating height and number of stories.

Height per LIP

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 maximum 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 and 28 feet for pitched or sloped roofs.

22741 PCH:

- The existing building at 22741 PCH is legal non-conforming as to the number of stories and height.
  - The existing three floors of office suites, above a garage level exceeds the maximum number of stories by two;
  - The existing building height, which varies from 26.5 feet to 48 feet above the existing grade, exceeds current 24-foot height requirements by 2.5 feet to 24 feet.
- The new elevator and entrance access to the existing building will increase the height to 49 feet, which is 25 feet over the height limitation in the LCP.

22729 PCH:

- The new building will substantially comply with height requirements. The Sea View Hotel Overlay District will permit the third level guest rooms to extend an eave overhang seven-feet. The referenced eave overhang is above an area that was previously graded, making the height of the eave greater than 24-feet in height. makes it technically higher than 24 feet.

Height Per Sea View Hotel Overlay District and DA

The proposed Development Agreement and associated Sea View Hotel Overlay District will:

- Bring the existing building at 22741 PCH into conformance;
- Allow height up to 49 feet for elevators and the entrance access; and
- Allow eave overhangs greater than 24-feet in height.

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.

Setbacks per LIP

Pursuant to LIP Sections 3.8(A)(2)(a)-(c), the required setbacks are as follows:

- Front yard: 20 percent of the total depth of the lot.
- Side yard: Cumulatively at least 25 percent of the total width of the lot but, in no event, shall a single side yard setback be less than 10 percent of the width of the lot or 5 feet, whichever is greater.
- Rear yard: Setbacks shall be at least 15 percent of the lot depth or 15 feet, whichever is greater.

Setback per Sea View Hotel Overlay District and DA

The proposed Development Agreement and associated Sea View Hotel Overlay District would:

- Bring the existing building at 22741 PCH into conformance;
- Allow access and exit stairs required by the Fire Department, and existing retaining walls to project into required side yards without limit; and

- Modify the required setbacks as follows:
    - Front yard: 16 percent of lot depth.
    - Side yard (west):15 percent of width of lot.
    - Side yard (east): 0 feet
    - Side yard (cumulative): None required.
    - Rear yard: 15 percent of lot depth.

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

A hotel is defined a facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants and meeting rooms. Based upon this definition, a hotel is a multi-use development that provides long-term and short-term uses in combination, serving guests and visitor, and parking requirements have been established pursuant to the definition of a hotel use.

Parking Requirements per LIP

The required number of parking spaces as per LIP Sections 3.14.2 and 3.14.3 are as follows:

- 2 spaces for each room (39 * 2 = 78 spaces).
- 1 space for the average, per-shift number of employees (11-full time employees per shift = 11 spaces).
- 1 space for each 100 square feet of gross floor area used for consumption of food or beverages, or public recreation areas (26,800/100 = 268 spaces).
- 1 space for each 5 fixed seats, or for every 35 square feet of assembly area where there are no fixed seats in meeting rooms or other assembly areas (TBD).

Parking Requirements Per Sea View Hotel Overlay District and DA

The required parking would include:

- 1.5 spaces for each room, (39 * 1.5 = 59).
- 1 space for each, per-shift employee (11-full time employees per shift = 11 spaces).
- 1 space for each 2,977 square feet of gross floor area used for consumption of food or beverages, or public recreation areas (26,800/2,978 = 9 spaces).
- 0 spaces for each 5 fixed seats, or for every 35 square feet of assembly area where there are no fixed seats in meeting rooms or other assembly areas.

With the implementation of the Sea View Hotel Overlay District parking requirements, the proposed project would require 59 parking spaces for the guest rooms, 11 spaces for employees, and 9 spaces for the hotel restaurant, for a total of 79 parking spaces.

The project would provide 91 parking spaces[1]. The proposed parking spaces would include: 31 valet spaces and 6 electric vehicle (EV) charging stations available to hotel guests and the public, and 15 bicycle parking spaces. The applicant proposes to encourage employees and guests to carpool, take public transit, or utilize other ride-sharing options.

Development Standards per LIP and Sea View Hotel Overlay District and DA

- 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 Sea View Hotel Overlay District will permit the required parking spaces to be located in the front yard.

- LIP Section 3.14.5(D)(5) requires that tire stops shall be provided within all parking areas. The Sea View Hotel Overlay District will remove this requirement to accommodate stacked parking.

- LIP Sections 3.14.5(C) and (E) relate to landscaping and screening. The Sea View Hotel Overlay District will remove this requirement. The landscaped areas and the parking plan shown on the Sea View Hotel plans are an integral part of the proposed hotel and are acceptable within the overlay district.

Events: Per the MMC, events can be held onsite in the hotel and on the patios and pool area subject to City approval of a Temporary Use Permit.[2] Typical events include weddings, B'nai Mitzvahs, parties, corporate events, and other festivities.

The Sea View Hotel Overlay District modifies the related MMC provisions and provides as follows:

- Live entertainment scheduled to occur after 7:00 pm and which will raise the sound level above 40 decibels (db) with respect to the homes to the north of the hotel project will require a Temporary Use Permit; if the sound level is below 40 db with respect to the homes to the north of the hotel project, then no temporary permit shall be required.

- Live entertainment scheduled before 7:00 pm would not require a Temporary Use Permit.

[1] Code compliant parking spaces are those that meet the sizing requirements of LIP Section 3.14.5, which are standard spaces that are a minimum of 9 feet by 20 feet and compact spaces that are a minimum of 8 feet by 15 feet, 6 inches marked for compact use only.
[2] Per the MMC, a special event is defined as a significant occurrence or happening which is arranged for a particular occasion or purpose.

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.

Signs: Monument signs shall be permitted in accordance with the provisions of LIP Section 3.15.6 with the following modifications made to the provisions of that section:

- The provisions of LIP Section 3.15.6(A)(d)(iii) shall not apply.
- Two monument signs shall be permitted, each sign shall be a maximum of 48 square feet, and a maximum height of 6 feet, excluding the base area supporting the sign. One monument sign shall be permitted for Parcel A. One sign shall be permitted to be placed on the building on Parcel B equal in size to 48 square feet.
- One address monument sign shall be permitted up to a maximum of 16 square feet, excluding the base area supporting the sign.
- There shall be no setbacks required from rights of way or property lines for monument signs. A condition of approval is included to ensure that monument signs do not obstruct visibility of drivers.

Conditional Use Permit

the proposed project includes a CUP to conditionally approve the hotel use and utilize the Project Site for a hotel use in the CV-2 zone and to allow sales of alcoholic beverages for on-site consumption (alcohol service) pursuant to a California Department of Alcoholic Beverage Control (ABC) license.

Table 4 – Use Entitlements for Hotel Project		
Application	**Description**	**Proposed Use**
LM No. 20-002	Hotel use encompasses the use of two parcels as one.	Merge Parcels
CUP No. 21-001	A hotel is a conditionally permitted use in the CV-2 zone. Allow for the sale or furnishing of beer, wine and distilled spirits for on-site consumption (alcohol service) pursuant to an ABC Type 47 license for full-service restaurants and Type 70 for transient occupancy guests.	Commercial expansion, Hotel, Alcohol Service

The applicant intends to submit an application to ABC to permit the sale of beer and wine 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 tenant must submit a copy of the ABC license to the Planning Department prior to alcohol sales. A Letter of Public Convenience or Necessity may also be required. It is not always obvious whether a Letter of Convenience or Necessity will be required during Planning

stage but this approval would authorized the Planning Director to issue one should it be requested.

Lot Merger

Since the proposed use encompasses two parcels, the lot merger is also proposed to combine the two parcels as one, comprising the Project Site.

Hotel Operation Parameters

Hotel and Lobby: The hotel lobby would operate 24 hours per day.

Spa: The spa would be open between 10:00 a.m. and 6:00 p.m. and available to hotel guests only.

Rooftop Deck, Pool and Restaurant: Gross floor area used for consumption of food or beverages, or public recreation is 26,880 square feet.

The rooftop deck and pool would be open to the public from 10:00 a.m. to 10:00 p.m.

The Sea View Restaurant would be open to the public from 7:30 a.m. to 10:00 p.m.

Hotel Back of House: 24 hours. Employees only.

ABC License: The Planning Department, City Public Works Department, and the Los Angeles County Sheriff's Department (LACSD) reviewed the subject application and determined it is consistent with applicable local and State provisions.

The application includes a CUP to allow a full alcohol license for the hotel and associated bar and restaurant. The restaurant and bar will also be open to the public. The applicant is requesting the Type 47 and Type 70 ABC licenses to reflect this use.

The California Liquor License Type 47 (On-Sale General – Eating Place) (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licensed premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

The California Liquor License Type 70 (On-Sale General – Restrictive Service) authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises.

The ABC will not issue the license until the CUP is approved, and ABC will specifically incorporate the City's conditions related to how the premises is allowed to operate. Therefore, a condition of approval has been included in the resolution stating that a copy of the issued ABC license must be submitted to the Planning Department.

The proposed alcohol service area is approximately 26,880 square feet, encompassing all decks, including the rooftop deck, and the restaurant. The alcohol will be served within the bar/lounge areas and within the outdoor patio seating areas totaling 878 square feet, which are consistent with the restaurant service area. Specific conditions of approval have been included in the resolution requiring that this use remain ancillary to the hotel and restaurant and not become the primary use, like a "bar or cocktail lounge."

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 15 percent of the number of luxury overnight accommodations that are approved.[3] In which case, six of the 39 rooms would be required to be low cost.

However, 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. The property owners have volunteered to contribute an *in-lieu* fee of $180,000 to satisfy the requirements of LIP Section 12.10(B).

Environmental Review Board

Pursuant to LIP Sections 4.4.4(C) and (D), the proposed project is exempt from Environmental Review Board (ERB) review because the Project Site is currently developed with commercial buildings, hardscaping, and ornamental landscaping developed with approved permits, will not expand the existing required fuel modification area, and is not located in a mapped environmentally sensitive habitat area (ESHA), an ESHA buffer zone or adjacent to any streams as designated in the LCP. Nevertheless, staff forwarded the project for ERB review because an MND was prepared for the project, and projects subject to CEQA review have typically been reviewed by the ERB.

On March 31, 2021, the ERB considered the above-referenced project and made the following recommendations:

1. Prior to the issuance of a demolition permit of structures that may provide habitat for bats, a bat survey should be required to avoid the direct loss of bats. The Biology Review for the project includes this as a condition of approval.

[3] Luxury overnight accommodations shall be defined 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.

2. The applicant may consider substituting *Trichostema lanatum* and *Epilobium canum garrretti* with other native plants that may be more tolerant to local conditions.

A member of the public raised the following concerns:

- There is not enough landscaping on the Project Site;
- The project will worsen traffic in the vicinity;
- The hotel project should be accommodated within the existing office building without the need for the addition at 22729 PCH; and
- The project FAR is too large and should be reduced.

Project Setting and Surrounding Land Uses

Project Setting: 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.

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 in a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map.

Surrounding Land Uses: The Project Site is located on the land side of PCH in a commercial area of the City, approximately one-third mile east of the Malibu Pier and Civic Center area of the City. Properties in the immediate vicinity are zoned CC, and are developed with commercial structures and uses, including the Malibu Beach Inn, SOHO House, and Nobu Restaurant, and Nobu Ryokan. Further north, there is an area of hillside residential development.

In the span between Malibu Beach and 22445 PCH (approximately one mile to the east) there are currently 20 properties zoned CV-1 and one property zoned CV-2. The only other area containing CV-2 parcels is a cluster of parcels located on the northeast corner of Malibu Canyon Road and PCH, including 2400 Civic Center Way and 24111 PCH (See Attachment 4 - Existing & Pending Commercial/Multi-Family Zoning and Land Uses).

Table 5 summarizes the immediate surrounding land uses.

Table 5 – Surrounding Land Uses				
	Address/ APN	**Size**	**Zone**	**Land Use**
North	1655 Amalfi Dr	0.22 acre	CC	Vacant
	3949 Ridgemont Dr	1.12 acres	RR1	Single-Family Residence
	3947 Ridgemont Dr	1.21 acres	RR1	Single-Family Residence
East	22725 PCH	1.24 acres	CC	Commercial/Restaurant (McDonalds)
West	22761 PCH	1.48 acres	CC	Commercial/Office
	22751 PCH	0.12 acre	CC	Commercial/Restaurant (Malibu County Chicken)
South	22752 PCH	0.63 acres	CC	Commercial/Hotel (Nobu Ryokan)
	22716 PCH	1.07 acres	CC	Commercial/Restaurant (Soho)
	22706 PCH	0.74 acre	CV-1	Commercial/Restaurant (Nobu)

Source: City GIS

Project Description

The project is comprised of the following:

- A hotel with 39 rooms, consisting of 26,734 square feet of floor area[4] (0.52 FAR) as follows:
    - Remodel the existing four-story office building at 22741 PCH consisting of three floors of office suites, comprised of 15,392 square feet of FAR, above a 9,500 square foot parking level containing 60 parking space, and rooftop deck and surface parking area and convert to a hotel use as follows:
        - Convert interior space to 22 guest rooms with private balconies;
        - Establish a rooftop deck with a new swimming pool, bar and landscaping;
        - Construct a four-story elevator shaft to the rooftop deck;
        - Remove and replace exterior emergency stairs on east side of building;
        - Building height of 26.5 feet to 48 feet above existing grade; and
        - 60 parking spaces.

[4] A total building square footage of 39,734 square feet is proposed. (26,734 FAR + 9,500 parking + 3,500 partially subterranean)

- Demolish the existing structures and construct a new two-story addition on the adjacent parcel at 22729 PCH, comprised of 11,342 square feet of floor area, with 3,500 square feet of partially subterranean area to the existing building at 22741 PCH, as follows:
  - 17 guest rooms with private balconies;
  - Hotel lobby;
  - Three story elevator shaft that provides access to all three levels of the building; and
  - Building height between 24 feet flat and 28 feet pitched above existing grade.

- Merger of the two parcels for the hotel development to establish the 51,776 square foot Project Site.

- 26,800 square feet of area for consumption of food or beverage, or public recreation, with alcohol service (Sea View Restaurant and public rooftop deck with swimming pool and bar);

- Spa for hotel guests only;

- Parking —
  - 91 Vehicle Spaces;
    - 60 standard parking spaces in existing 9,500 square foot parking garage at 22741, including six electric vehicle (EV) charging stations available to hotel guests and the public; and
    - 31 valet parking spaces on new surface parking lot at 22729.
  - 15 bicycle parking spaces; and
  - Applicant has volunteered to require that employees carpool/rideshare, or use public transit, as a condition of employment.

- Grading (1,080 yards of Removal & Recompaction (R&R); 290 yards of cut under structure; and 290 yards of export) and retaining walls;

- 11,499.6 square feet of landscape area (22.25% of lot area);

- 22,807.6 square feet of open space area (41.14% of lot area);

- Upgrade and expand existing Onsite Wastewater Treatment System (OWTS); and

- The existing vehicle access from the two existing driveways on PCH would be reconfigured. The existing driveway on the west side of the property that currently provides access to the parking garage would be converted to an egress for delivery trucks and fire access only. The existing driveway on the east side would be converted into a two-way ingress and egress for all other vehicles.

The entitlements associated with the development and operation of the hotel project include:

- CUP No. 21-001 for the hotel and associated uses and alcohol sales;
- LM No. 20-002 to merge 22729 and 22741; and
- DP No. 20-19 for demolition of the structures on 22729 PCH.

The entitlements associated with the rezoning to allow for the hotel use include:

- GPMA No. 17-002 to rezone the properties from CC to CV;
- ZMA No. 17-002 to rezone the properties from CC to CV-2; and
- LCPA No. 16-006 to rezone the properties from CC to CV-2.

The entitlements associated with the Sea View Hotel Overlay District and DA include:

- ZTA No. 20-001 to amend MMC Section 17.42.020 (Zoning Designations and Permitted Uses-Overlay Zones) to include Subsection M (Sea View Hotel Overlay) to adopt the Sea View Hotel Overlay District with associated development standards in conjunction with approval of Development Agreement No. 21001 for the Project.

- LCPA No. 16-006 to amend Section 3.4 (Zoning Designations and Permitted Uses-Overlay Zones) to include Subsection 3.4.6 (Sea View Hotel Overlay) to adopt the Sea View Hotel Overlay District with associated development standards in conjunction with approval of Development Agreement No. 21-001 for the Project.

- DA No. 21-001 to allow adoption of the Sea View Hotel Overlay District with associated development standards, including increased FAR.

- GPA No. 21-001 to allow greater than the maximum FAR of 0.25 in the Sea View Hotel Overlay

The CEQA documents required for the hotel project include:

- Initial Study (IS No. 21-001) for preparation of an initial study.
- Mitigated Negative Declaration (MND No. 21-001) for adoption of a Mitigated Negative Declaration. The IS and MND circulated for a 30-day review period which ended March 4, 2021. The State Clearinghouse closed its review period on March 11, 2021.

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 proposed 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 proposed project: Coastal Development Permit (including the required findings for the CUP), Hazards and Land Division.[5] These chapters are discussed in the *LIP Findings* section of this report.

LIP Conformance Analysis

The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) (Attachment 5 – Department Review Sheets).

WD29 reviewed the project, and on September 23, 2019, issued a Conditional Will Serve for a building conversion and hotel, conditional upon completion of Spec 29-840 (PC). The project has an existing 1.5-inch service connection. Water system improvements are required, including the installation of one 20-inch check valve assembly and an 18” spool in the existing manifold, within the Caltrans right-of-way on Topanga Canyon Boulevard as part of Spec 29-840 (PC).

The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies, with the inclusion of all the discretionary requests, and the project will conform to all development criteria established by the proposed overlay zone.

Zoning (LIP Chapter 3)

The proposed project plans comply with the development standards of the Sea View Hotel Overlay District. (Attachment 2 – Project Plans) (Attachment 6 and 7 – Sea View Hotel Overlay District)

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

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. Table 6 includes the grading quantities proposed for the project. Grading consists of 1,080 yards of removal and recompaction; 290 yards of cut understructure; and 290 yards of export. No non-exempt grading is proposed for the planned development. The Sea View Hotel Overlay District permits the proposed understructure grading.

Table 6 – LCP Grading Conformance						
	Exempt**			Non-Exempt	Remedial	Total
	R&R*	Understructure	Safety**			
Cut	590	290	0	0	0	880
Fill	590	0	0	0	0	590
Total	1,080	290	0	0	0	1,370
Import	0	0	0	0	0	0
Export	0	290	0	0	0	290

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).

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. A Phase I Archeological Study was conducted for the property in September 2020 by Robert Wlodarski. The study concluded that the Project would not result in adverse impacts to cultural resources.

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, must be approved by the City Public Works Department. With the implementation of this 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 will upgrade and expand existing OWTS. The Project includes an upgrade and expansion of capacity of the existing OWTS. The new OWTS to serve the Project will provide secondary and tertiary treatment.

The OWTS has been reviewed by the City Environmental Health Administrator and on March 29, 2018, was found to meet the minimum requirements of the Malibu Plumbing Code, the MMC. and the LCP. The subject system will meet all applicable requirements, and operating permits will be required.

The Project includes upgrades to the existing OWTS that serves the commercial businesses currently operating on the site. The upgraded system would include a new 3,000-gallon grease interceptor, 3,000-gallon concrete pump tank with duplex screened pump vault, and two new disinfection units. The pump tank would pump wastewater from the new building on 22729 to the existing 5,000-gallon concrete tank with HighStrengthFast 4.5 Treatment System (upgraded from the existing MicroFast 3.0 Treatment System).

The system would discharge to three Norweco Bio-Kinetic Model BK 2000 Disinfection Unites, upgraded from one existing Norweco Bio-Kinetic Model BK 2000 Disinfection Unit. From there, the system would discharge to the existing 5,000-gallon dosing tank with duplex screened pump vault and onto two seepage pits capped five feet below-grade.

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 proposed hotel project is a conditionally permitted use in the CV land use designation and CV-2 zoning district. With the approval and adoption of the proposed changes to the zoning and land use designation, the proposed use is one that is

conditionally permitted within the proposed CV-2 zone and complies with the intent of the zoning provisions of the MMC and the LCP. The Project will conform to the MMC upon approval by the City Council, and will conform with the LCP upon CCC certification of the LCPA, for the DA and Overlay District.

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 staff, WD29, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the Project, as conditioned to comply with all applicable provisions of the MMC and the LCP, conforms to the MMC and the LCP in that it meets all proposed LCPA and ZTA development standards.

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 site is not located between the first public road and the sea. No potential project-related or cumulative impact on public access is anticipated. The properties are not located on the seaward side of PCH and will not interfere with the public's right to access the coast or coastal resources.

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

An IS/MND was prepared in accordance with 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. No Project. The no project alternative would avoid any change to the Project Site, and hence, any change to visual resources. The no project alternative would not accomplish any of the project objectives and therefore, is not viable. Furthermore, the existing abandoned gas station at 22729 would remain a visual blight.

2. Remodel of Existing Structures with No Addition. Existing onsite development could be remodeled; however, the existing convenience store and the pump station would not serve the purpose of a hotel. It is not anticipated that a remodel without an addition would offer any environmental advantages over the Project as the Project will not result in significant impacts on the environment. 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.

3. Proposed Project. The Project consists of a lot merger of two adjacent parcels, the remodel of the existing structure on one of the parcels, and new construction on the immediately adjacent parcel serving as an addition to the existing structure, and converting the commercial uses from office/retail to hotel use. Associated changes to the land use and zoning designation and commercial development standards are proposed for the hotel use. The Project also consists of the demolition of remnant structures from the abandoned gas station. The Project will conform to all development criteria established by the proposed overlay zone. The Project includes a new OWTS to serve the new hotel development, which will provide secondary and tertiary treatment. The Project also provides parking and a safe ingress and egress circulation plan for vehicles.

Implementation of the project would have similar impacts as the 0.15 project because the existing commercial building is legal, non-conforming, and no significant, unavoidable impacts would result from the proposed project, including aesthetics, noise, and traffic impacts. In addition, this alternative provides a public benefit. Although the 0.15 project meets the FAR standards, and provides desired visitor serving overnight accommodations in the commercial center for the City, it would not promote the underlying goals and objectives of the DA 0.52 project. Specifically, the DA is a premise upon the applicant receiving certain rights in exchange for a variety of public benefits received by the City and its residents. In other words, the bargain struck between the parties is founded upon the specified exchange of consideration. Those public benefits are key elements of the underlying goals and objectives of the DA 0.52 project.

The Project has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, WD29, and the LACFD, and meets the City's commercial development policies of the LCP and MMC upon CCC certification of the LCPA for development agreement and Overlay District and ZTA for Overlay District. 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 subject property is not in a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. However, due to the scope of the Project and preparation of an IS/MND, the Project was reviewed by the ERB.

B. 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. However, due to the scope of the project and preparation of an IS/MND the project was reviewed by the ERB.

C. Native Tree Protection (LIP Chapter 5)

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

D. 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. The Project Site is visible from PCH and the beach, both LUP-designated scenic areas (Attachment 8 - Story Pole Photos). However, pursuant to LUP Policy 6.4, scenic Areas do not include inland areas that are largely developed or built out such as existing commercial development within the Civic Center and along Pacific Coast Highway east of Malibu Canyon Road.

The project is located within existing commercial development along PCH east of Malibu Canyon Road. 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.

E. 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.

F. 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 staff, 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 GeoSoils Consultants, Inc., dated May 21, 2018, March 29, 2018, December 26, 2017 (revised February 8, 2018),; Lawrence Young, dated February 28, 2018, January 29, 2018, November 20, 2017, January 15, 2017, and Stratum Geotechnical Consultants, dated March 25, 2016, August 4, 2014, March 29, 2013, July 3, 2009, November 7, 2008, October 8, 2007. 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 staff, 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 staff, City Public Works Department and the LACFD, including foundations and drainage. The project will neither be subject to nor increase the instability of the 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 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 staff, 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.

G. 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 the oceanside of PCH along the shore. Therefore, the findings contained in LIP Chapter 10 do not apply

H. 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 property. Therefore, the requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

I. Land Division (LIP Chapter 15 and MMC 16.32.010)

The Project includes a lot merger to combine two legal lots into one legal lot. The City may approve a lot merger provided that it makes findings pursuant to LIP Section 15.4 and MMC 16.32.010. Based on the evidence contained in the record, the findings for LM No. 20-001 are made as follows:

Finding 1. Contiguous parcels under common ownership may be voluntarily merged if:

a. Either a merger or lot tie is authorized or required pursuant to a term or condition of a coastal development permit; or

Since the proposed use encompasses two parcels, the lot merger is also proposed to combine the two parcels as one, comprising the hotel Project Site. The lot merger is a condition of approval for CUP No. 21-001 and is authorized as a condition of CDP No. 17-086.

b. the City determines that the merger is not inconsistent with any policy or standard of the LCP that protects environmentally sensitive habitat areas and/or visual resources of the coastal zone.

The subject property is not in a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. The subject parcel is not located within the first public street and the ocean. The Project will not have an adverse effect either individually or cumulatively on coastal resources.

Finding 2. An instrument evidencing the merger shall be recorded. The recorded instrument shall contain a legal description of the contiguous parcels prior to the merger, and the new parcel that results after the merger. The instrument must be reviewed and approved by the City prior to recording. A copy of the recorded instrument shall be provided to the Los Angeles County Assessor's Office.

Said instrument is required as a condition of approval in this permit. Upon submittal, the document shall be reviewed by the City Engineer and approved by the Planning Director and recorded at the Los Angeles County Recorder's Office.

J. Conditional Use Permit No. 21-001 –Hotel and Associated Uses, and Alcohol Sales

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. 21-001, to allow a hotel use and alcohol sales. 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 proposed hotel project is a conditionally permitted use in the CV land use designation and CV-2 zoning district. Pursuant to MMC Sections 17.22.040(B) and 17.24.030(A), restaurants and onsite alcohol sales/consumption are conditionally permitted uses in the CV-2 zoning district. With the approval and adoption of the proposed changes to the zoning and land use designation, the proposed use is one that is conditionally permitted within the subject zone and complies with the intent of the Zoning provisions of the MMC and the LCP. The Project will conform to the MMC upon approval by the City Council and will conform with the LCP upon CCC certification of the LCPA, for the development agreement and Overlay District.

The Project has been conditioned and has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, WD29, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the Project, as conditioned, comply with all applicable provisions of the MMC and the LCP, and conforms to the MMC and the LCP in that it meets all proposed LCPA and ZTA development standards.

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.

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

The subject site is physically suitable for the proposed hotel land use and for providing alcohol service. The existing commercial development can accommodate the proposed visitor-serving commercial use by converting the existing commercial office use to the hotel use with limited physical modifications to the existing commercial development, and the construction of an addition on the immediately adjacent property is readily accommodated. The proposed hotel project with restaurant, bar and recreation area are areas suited for consumption of food or beverages.

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.

Existing utilities serve the Project Site, and onsite and offsite upgrades are proposed to the OWTS and water service that improve water quality and water service for the area. 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 Project can be accommodated by converting the use of the existing commercial development on the property with limited physical modifications, and the construction of an addition on the immediately adjacent property is readily accommodated.

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

Providing alcohol service, in association with a hotel with restaurant, is a compatible land use. The proposed hotel project with restaurant, bar and recreation area are areas suited for consumption of food or beverages. The proposed alcohol service would occur within areas already designated for consumption of food or beverages.

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 proposed hotel is a conditionally permitted use in the CV land use designation and CV-2 zoning district. With the approval and adoption of the proposed changes to the zoning and land use designation, the proposed use is one that is conditionally permitted within the proposed CV-2 zone and complies with the intent of the zoning provision of the MMC. The Project is located within the commercial corridor and the surrounding development is comprised of restaurants, motels, and other commercial development, as well as multi-family residential development. Providing alcohol service is compatible with existing and future land uses. The proposed hotel project with restaurant, bar and recreation area are areas suited for consumption of food or beverages. The proposed alcohol service would occur within areas already designated for consumption of food or beverages. The Project is also located within the commercial corridor of the city and the surrounding development is comprised of restaurants, motels, and other commercial development. The restaurants in the surrounding zoning district also provide alcohol service. 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. Adequate public services are available to serve the project. Utilities are available to serve the Project.

Existing utilities serve the Project Site, and onsite and offsite upgrades are proposed to the existing OWTS and water service that improves service for the area. The OWTS has been reviewed by the City Environmental Health Administrator and on March 29, 2018, was found to meet the minimum requirements of the Malibu Plumbing Code, the MMC. and the LCP. The subject system will meet all applicable requirements, and operating permits will be required.

The Project includes upgrades to the existing OWTS that serves the commercial businesses currently operating on the site. The upgraded system would include a new 3,000-gallon grease interceptor, 3,000-gallon concrete pump tank with duplex screened pump vault, and two new disinfection units. The pump tank would pump wastewater from the new building on 22729 to the existing 5,000-gallon concrete tank with HighStrengthFast 4.5 Treatment System (upgraded from the existing MicroFast 3.0 Treatment System).

On September 23, 2019, WD29 reviewed the Project and issued a Conditional Will Serve for a building conversion and hotel, stating that there is adequate water supply to serve the project and conditioned providing water upon completion of improvements Spec 29-840 (PC). The Project has an existing 1.5-inch service connection. Water system improvements are required, including the installation of one 20-inch check valve assembly and an 18” spool in the existing manifold, within the Caltrans right-of-way on Topanga Canyon Boulevard as part of Spec 29-840 (PC).

The system would discharge to three Norweco Bio-Kinetic Model BK 2000 Disinfection Unites, upgraded from one existing Norweco Bio-Kinetic Model BK 2000 Disinfection Unit. From there, the system would discharge to the existing 5,000-gallon dosing tank with duplex screened pump vault and onto two seepage pits capped five feet below grade.

The Project does not affect solar access or adversely impact existing public and private views. The Project can be accommodated by converting the use of the existing commercial development on the property with limited physical modifications, and the construction of an addition on the immediately adjacent property is readily accommodated. The Project is located within a commercial corridor 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 7. There would be adequate provisions for public access to serve the subject proposal.

Adequate public services are available to serve the project. Access to the Project is from PCH, an existing public highway. The existing vehicle access from the two existing driveways on PCH would be reconfigured. The existing driveway on the west side of the property that currently provides access to the parking garage would be converted to an egress for delivery trucks and fire access only. The existing driveway on the east side would be converted into a two-way ingress and egress for all other vehicles. The LACFD has reviewed and conditioned the Project for conformance with fire safety standards. The Project will not have significant effects.

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

The Malibu General Plan is a policy document that contains policy measures. The specific development standards to implement these policy measures are located in the MMC. The commercial expansion, hotel with ancillary restaurant and alcohol sales are conditionally permitted commercial uses in the CV-2 zoning district and, as conditioned, is consistent with the goals, objectives, policies, and general land uses of the General Plan, inclusive of the GPA.

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

Hotels and restaurants are conditionally permitted uses in the CV-2 zoning district. As conditioned, the proposed use complies with all applicable requirements of State and local law. The Project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies such as the ABC and the LACSD.

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

Commercial expansions, hotels and restaurants, and alcohol services are conditionally permitted uses in the CV-2 zoning district. The Project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies such as the ABC and the LACSD. As conditioned, the proposed use will not be detrimental to the public interest, health, safety, convenience or welfare.

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 below in Hazards finding, 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.

K. Demolition Permit Findings (MMC Chapter 17.70)

MMC Section 17.70.060 requires that a demolition permit be issued for projects that result in the demolition of any building or structure. The findings for DP No. 20-19 are made as follows:

Finding 1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.

Conditions of approval, including the recycling of demolished materials, have been included to ensure that the Project will not create significant adverse environmental impacts.

Finding 2. A development plan has been approved or the requirement waived by the City.

This CDP application is being processed concurrently with DP No. 20-19, and approval of the demolition permit is subject to the approval of CDP No. 17-086.

L. Local Coastal Program Amendment (LIP Section 19.6)

LCPA No. 16-006 includes an amendment to the certified LIP, and the corollary amendments to the Zoning Code. Specifically, the amendment consists of the following:

1) Map amendment to rezone the properties from CC to CV-2;
2) DA No. 21-001; and
3) Amendment to LIP Section 3.4 (Zoning Designations and Permitted Uses - Overlay Zones) to include Subsection 3.4.6 (Sea View Hotel Overlay) and associated development standards in conjunction with the associated DA.

In order to amend the LCP, the finding listed below must be made.

Finding 1. The proposed amendments meet the requirements of, and are in conformance with, the LCP and the policies of Chapter 3 the California Coastal Act.

Chapter 3 of the Coastal Act states that any new development must not impede or adversely impact public access to the beach, must protect marine resources and scenic views, and must not significantly disrupt environmentally sensitive habitat areas. Chapter 2 of the LUP incorporates the public access policies set forth in the Coastal Act, including Public Resources Code Section 30210.

The proposed LCPA, which includes a DA and associated development standards for the DA 0.52 Project does not impede public access to the beach or coastal resources in any way as the proposed development is located inland in the commercially zoned Civic Center Area on a site that is not designated as ESHA. Therefore, the overall text amendment is consistent with Chapter 3 of the Coastal Act.

The proposed amendment also furthers the following relevant LUP policies and sections:

The relevant Coastal Act Policies regarding New Development are provided in LUP Chapter 5. The following LUP policies and sections apply and provide in pertinent part as follows:

- A.2. Visitor serving commercial uses shall be allowed in all commercial zones in the City and shall be given priority over other non-coastal dependent development.

- 5.11 Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent uses. All uses shall be consistent with protection of public access and ESHA.

The relevant Coastal Act Policies regarding Public Access and Recreation, and visitor-serving recreational facilities and commercial uses such as hotels and motels are provided in LUP Chapter 2. The following LUP policies and sections apply and provide as follows:

- 30213 Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

- 30222 The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

- 2.33 Priority shall be given to the development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for coastal recreation. On land designated for visitor-serving commercial and/or recreational facilities, priority shall be given to such use over private residential or general commercial development. New visitor-serving uses shall not displace existing low-cost visitor-serving uses unless an equivalent replacement is provided.

- 2.34 Existing, lower cost visitor-serving and recreation facilities, including overnight accommodations, shall be protected to the maximum feasible extent. New lower cost visitor and recreation facilities, including overnight accommodations, shall be encouraged and provided, where designated on the LUP Map. Priority shall be given to developments that include public recreational opportunities. New or expanded facilities shall be sited and designed to minimize impacts to environmentally sensitive habitat areas and visual resources.

- 2.36 Coastal recreational and visitor serving uses and opportunities, especially lower cost opportunities, shall be protected, encouraged, and where feasible, provided by both public and private means. Removal or conversion of existing

lower cost opportunities shall be prohibited unless the use will be replaced with another offering comparable visitor serving or recreational opportunities.

- 2.37 Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.

M. General Plan Map Amendment No. 17-002 and General Plan Amendment No. 21-001 (MMC Section 17.74.030)

GPMA No. 17-002 will change the land use designation from CC to CV-2. GPA No. 21-001 would change the FAR to 0.52 for the Sea View Hotel Overlay.

The GPMA will make the land use designation for the Project Site consistent with the LCP and the zoning designation for the property; and the GPMA is consistent with the objectives, policies, general land uses and program specified in the General Plan.

The General Plan land use designations in the area surrounding the Project Site are primarily commercial, with some residential. The Project Site is designated for commercial uses, and is currently designated with the CC land use designation, which is intended to provide resident serving needs on land that is suitable for concentrated commercial activity. The designation plans for centers that offer a greater depth and range of consumer goods than those found in neighborhood centers, which typically contain an anchor tenant such as a supermarket. Allowed uses typically include financial institutions, restaurants and health care facilities.

General Plan Land Use (LU) OBJECTIVE 4.4 provides for successful businesses appropriate for to Malibu. To fulfill this policy, 4.4.3 provides: “The City shall regulate design of new bed and breakfast inns to foster “country-inn type” establishments and regulate the size and design of other hotel development to ensure development compatible with a rural residential community and discourage convention hotel developments by limiting on the same site ancillary uses such as banquet and meeting rooms and limiting restaurants to a capacity necessary to serve guests of the hotel only.”

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 existing commercial development can accommodate the proposed visitor-serving commercial use by converting the existing commercial office use to the hotel use with limited physical modifications to the existing commercial development, and the construction of an addition on the immediately adjacent property is readily accommodated. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

The purpose of the General Plan Amendment is to allow a FAR of 0.52 in the Sea View Hotel Overlay. GPA No. 21-001 would make the increased FAR of the project consistent with the General Plan. Section 1.5.4 of the General Plan states:

> The CV designation provides for visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Floor-to-Area Ratio (FAR) shall range from a maximum of **0.15 to 0.25**. CV designations are divided into two levels of density. Hotels are only permitted in CV-2 designations, the highest density designation. Visitor serving uses such as motels and hotels shall be consistent with compatible accessory uses, shall protect the surrounding properties, shall ensure safe traffic circulation and shall promote economically viable visitor serving areas of the City.

Section 1.5.4 would be revised as follows:

> The CV designation provides for visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Floor-to-Area Ratio (FAR) shall range from a maximum of 0.15 to 0.25, with the exception of the Sea View Hotel Overlay, which shall have a maximum FAR of 0.52. CV designations are divided into two levels of density. Hotels are only permitted in CV-2 designations, the highest density designation. Visitor serving uses such as motels and hotels shall be consistent with compatible accessory uses, shall protect the surrounding properties, shall ensure safe traffic circulation and shall promote economically viable visitor serving areas of the City. (Attachment 9)

N. Zoning Map Amendment (MMC Section 17.74.050)

ZMA No. 17-002 is a request to change the zoning from CC to CV-2. The ZMA is consistent with the objectives, policies and general land uses in the General Plan, as amended by the LCP amendment. The ZMA will allow the MMC to be amended and be consistent with the amended LCP zoning map, and is only a corollary of that action. The ZMA is necessary for the proposed LCPA and will only be approved if the LCPA is approved, and on the condition that the ZMA only take effect if the LCPA is certified by the CCC.

O. Zoning Text Amendment (MMC Section 17.74.040)

ZTA No. 16-006 includes an amendment to Zoning Code, and the corollary amendments to the certified Local Coastal Program Local Implementation Plan. Specifically, the amendment consists of the following:

Amendment to MMC Section 17.42.020 to conform to the LCP amendments by amending Title 17 (Zoning) Section 42.020 (Overlay Districts), to include Subsection 17.42.020.M (Sea View Hotel Overlay) and associated development standards.

The ZTA is necessary for the proposed LCPA and recommends that the City Council approve ZTA only if it approves the LCPA and on the condition that the ZTA only take effect if the LCPA is certified by the CCC. Pursuant to MMC Section 17.74.040, the subject ZTA is consistent with the objectives, policies, and land uses in the General Plan, as amended by the LCPA. The ZTA will allow the text of the MMC to be amended consistent with the LCPA and is only corollary of that action.

P. Development Agreement (MMC 17.64.010)

Development Agreement No. 21-001 to allow adoption of the Sea View Hotel Overlay District with associated development standards, including increased FAR. Pursuant to MMC Section 17.64.010, the City Council may enter into a DA for the development of real property with any person having a legal or equitable interest in such property, or having written permission from a person having such interest. The applicant represents the owners of the property and has requested the DA.

The Council may approve an application for a DA where it finds that the information presented by the applicant and/or obtained at a public hearing substantiates all of the required findings.

Finding 1. That the proposed development agreement is consistent with the General Plan.

The proposed use meets the definition of Hotel as defined in Section III. Glossaries of the General Plan.

Hotel – A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants and meeting rooms.

The FAR range for the CV land use designation, Chapter 1.5, Land Use Designations of the General Plan states:

COMMERCIAL VISITOR SERVING (CV): The CV designation provides for visitor serving uses such as hotels and restaurants that are designed to be consistent with the rural character and natural environmental setting, as well as public open space and recreation uses. Uses allowed in the other commercial categories (Commercial Neighborhood, Community Commercial, and Commercial General) may be permitted as part of projects approved on parcels designated Commercial Visitor Serving, so long as at least 50 percent of the overall floor area of any individual project is devoted to visitor serving uses. The maximum Floor to Area Ratio (FAR) is 0.15. ***The FAR may be increased to a maximum of 0.25 where public benefits and amenities are provided as part of the project.*** CV designations are divided into two levels of density. Hotels are only permitted in CV-2 designations, the highest density designation. Motels and bed and breakfast inns are allowed in the CV-1 designation. [Emphasis added].

The proposed DA 0.52 Project is consistent with the General Plan in that the ZTA and LCPA Overlay will set forth the proposed FAR is within the allowable and promotes a use recognized and promoted by the General Plan.

Chapter 1.0, Land Use Element, of the General Plan states in pertinent part:

- 1.5.0 In General Because of physical constraints and safety issues on certain properties, the identification of a maximum intensity on the General Plan Land Use Map does not imply that all parcels could be developed at their maximum intensity.

  Commercial development, either new uses or expansions of existing uses, is permitted the maximum development intensity of the site as provided for in the Zoning Ordinance if the proposed development is consistent with the goals, objectives, policies and implementation measures of the General Plan.

  Development intensities greater than the Zoning Ordinance maximum development intensity may be permitted up to the maximum development intensity bonus of the General Plan only if the Project provides public benefits or amenities as specified below.

  Public benefits shall include physical improvements dedicated and reserved for public use, including, but not limited to, open space, wetlands, trails and walkways, parks, athletic fields, and civic or public buildings (such as senior centers, youth facilities, city hall, etc.). The public benefit or amenity shall warrant the burdens of the development intensity bonus over the Zoning Ordinance maximum, subject to review and approval by the City.

- LU Policy 4.4.3: The City shall regulate design of new bed and breakfast inns to foster “country-inn type” establishments and regulate the size and design of other hotel development to ensure development compatible with a rural residential community and discourage convention hotel developments by limiting on the same

site ancillary uses such as banquet and meeting rooms and limiting restaurants to a capacity necessary to serve guests of the hotel only.

The proposed LCPA associated with the DA request is consistent with the General Plan CV land use designation. The locations of the proposed buildings have been sited with concern for adjacent residential development and have been analyzed in the IS/MND. The application submittal provided site design, proposed location, height, scale, architectural design and circulation of the proposed development. A landscaping plan has been submitted and signage standards have been requested as part of the LCPA.

Thus, the application has met the requirements defined above in the CV land use designation text. Therefore, the finding can be made that the proposed DA 0.52 Project is consistent with the General Plan.

Finding 2. That the proposed development agreement complies with zoning subdivision and other applicable ordinances and regulations.

As a part of the DA 0.52 Project, a LCPA for the Sea View Hotel Overlay, with site specific development is proposed. The Project has been designed to be in compliance with these standards. Once the LCPA is certified by the CCC, the Project will be in compliance with the applicable ordinances and regulations.

Finding 3. That the proposed development agreement is consistent with the public convenience, general welfare and good land use practice, making it in the public interest to enter into the development agreement with the applicant.

The development agreement stipulates that the applicant will contributed $400,000 to the City at the time the construction permits are issued. These funds would be expended at the discretion of the City Council to benefit the public interest.

Finding 4. That the proposed development agreement will not: a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The DA proposes a commercial visitor serving lodging use. The increase in FAR allowed by the DA does not adversely affect development on the site. Site design modifications have been included to ensure that the proposed development is compatible with the surrounding area and is not detrimental to the use, enjoyment or valuation of the surrounding area. The IS/MND was prepared for the Project and evaluated potential development scenarios on the subject property. The IS/MND found that the Project would not have adverse impacts to public health (wastewater), safety or general welfare (public services) that cannot be mitigated.

The Development Agreement:

a. will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding areas, since the various elements of the projects are in keeping with the character and general development patterns of the surrounding areas;

b. will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, since the proposed improvements are consistent with and will enhance their surroundings with high quality development, and will provide additional public infrastructure and public benefits; and

c. will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare, as the projects are adequately conditioned to mitigate impacts, will comply with all applicable codes and will provide public safety and health improvements.

The DA complies with and contains the elements prescribed in the terms, conditions, restrictions, and requirements of MMC Section 17.64.050. Pursuant to MMC Section 17.64.050, the DA and the project entitlements provide for a duration of the DA, uses permitted on the Project Site, permitted density, maximum height, size and location of buildings, reservation of land for public purposes and special benefits that would not otherwise be provided by the applicant in the absence of an agreement

Finding 5. That the proposed development agreement complies with the terms, conditions, restrictions and requirements of Section 17.64.050.

A. *MMC Section 17.64.050(A) states that a development agreement entered into by the Council may include the following terms, conditions, restrictions and requirements; provided, however, that such terms, conditions, restrictions or requirements shall not be contrary to zoning, subdivision or other ordinances, laws or regulations applicable to the proposed development:*

    1. *The duration of the agreement, including a specified termination date if appropriate;*
    2. *The uses to be permitted on the property.*
    3. *The density or intensity of use permitted;*
    4. *The maximum height, size and location of buildings permitted;*
    5. *The reservation or dedication of land for public purposes to be accomplished, if any; and*
    6. *The time schedule established for periodic review as required.*

B. *MMC Section 17.64.050.B states that a development agreement may also include additional terms, conditions, restrictions and requirements for subsequent discretionary actions in addition to those provided above; provided, that such terms, conditions, restrictions and requirements do not prevent development of the lot or parcel of land included in such agreement for the uses and to the density or intensity of development set forth in the agreement, including but not limited to the following:*

1. *The requirement of development schedules, providing that construction of the proposed development as a total project or in phases to be initiated and/or completed within a specified time period;*

   The applicant intends to construct the proposed 0.52 DA Project as one development and does not intend to phase the development.

2. *The construction of public facilities required in conjunction with such development, including but not limited to vehicular and pedestrian rights-of-way, drainage and flood-control facilities, parks and other public facilities;*

   The applicant intends to construct the proposed 0.52 DA Project as one development and does not intend to phase the development.

3. *The prohibition of one or more uses normally listed as permitted, accessory, or subject to permit in the zone where placed;*

   In association with the DA, the applicant has proposed an LCPA creating the Sea View Hotel Overlay district which establishes the uses permitted on the property, the density (floor area ratio), development standards for height, size, location, landscaping and open space, and sign regulations.

4. *The limitation of future development or requirement of specified conditions under which further development not included in the agreement may occur;*

   The DA 0.52 Project allows for a 0.52 FAR as the maximum allowable FAR. There is no mechanism in the DA which would allow the applicant or future property owner, to develop the property further.

5. *The requirement of a faithful performance bond where deemed necessary to, and in an amount deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions and/or requirements of the agreement. In lieu of the required bond, the applicant may deposit with the city clerk and assign to the city, certificates of deposit or savings and loan certificates or shares equal in amount to the same conditions as set forth*

herein. Such deposit and assignment shall comply with all the provisions and conditions of Chapter 3.04;

If required, the applicant is prepared to provide such bonds in order to be in compliance with MMC Chapter 3.04, specifically, MMC Section 3.04.020 Bonds-Alternative security.

6. *The requirements of specified design criteria for the exteriors of buildings and other structures, including signs;*

   In association with the DA, the applicant has proposed an LCPA creating the Sea View Hotel Overlay district which establishes the uses permitted on the property, the density (floor area ratio), development standards for height, size, location, landscaping and open space, and sign regulations.

7. *The requirement of special yards, open spaces, buffer areas, fences and walls, landscaping and parking facilities, including vehicular and pedestrian ingress and egress;*

   In association with the DA, the applicant has proposed an LCPA creating the Sea View Hotel Overlay district which establishes the uses permitted on the property, the density (floor area ratio), development standards for height, size, location, landscaping, and open space.

8. *The regulation of nuisance factors such as noise, vibration, smoke, dust, odors, gasses, garbage, heat and the prevention of glare or direct illumination of adjacent properties;*

   Potential impacts pertaining to nuisance factors have been analyzed, and mitigation measures would be implemented to reduce such impacts.

9. *The regulation of operating hours and other characteristics of operation which might adversely affect normal neighborhood schedule and functions on surrounding property; and*

   Operating hours would be included as conditions of approval for the associated CUP.

10. *The payment of exactions or the provision of other public benefits.*

    The applicant agrees to payment of public benefits as described in the DA.

C. Unless otherwise provided by a development agreement, the general plan, zoning, subdivision, and other ordinances, rules, regulations and official policies governing permitted uses of land, density, and design, improvement and construction standards, and specifications applicable to property subject to a development agreement shall be those applicable to such development on the date of execution of the development agreement by the council; provided, however, that a development agreement shall not:

1. Be construed to prevent the application of later adopted or amended ordinances, rules, regulations and policies in subsequent applications applicable to the property which do not conflict with such existing ordinances, rules, regulations and policies; or

The draft DA does not prevent the application of later adopted or amended ordinances, rules, regulations, and polices.

2. Prevent the approval, approval subject to conditions, or denial of subsequent development applications pursuant to such existing or later adopted or amended ordinances, rules, regulations and policies.

The applicant intends to construct the Project as described above in the project description. The applicant has requested an LCPA for development standards which will prescribe future development on the site.

ENVIRONMENTAL REVIEW: The Planning Department prepared an initial study (IS No. 21-001) pursuant to CEQA Guidelines Section 15300.2(c). The initial study analyzed the 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. 21-001 was prepared and circulated pursuant to CEQA Guidelines Section 15070. Pursuant to the authority and criteria contained in the CEQA, the Planning Department issued a Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study on February 4, 2021, and the Draft IS/MND was made available for review by the public for the required 30-day circulation period. The public comment period for the Project was from February 4, 2021 through March 4, 2021. The State Clearinghouse closed its review period on March 11, 2021.

Mitigated Negative Declaration (MND No. 21-001) has been prepared for the project in accordance with State of California CEQA Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) has been prepared and would be implemented with the Project to reduce any potential impacts to resources identified in the IS, to a level below significance (Attachment 10).

CORRESPONDENCE: Staff has not received public correspondence regarding the Project. Public comments received for the IS/MND are included in Attachment 10 as well as a response to comments.

PUBLIC NOTICE: On May 13, 2021, 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. In addition, on May 13, 2021, pursuant to LIP Section 19.3.2.A, a Notice of Planning Commission Public Hearing was mailed to all interested parties; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC. (Attachment 11)

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 the Project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 21-47. 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. 21-47
2. Project Plans
3. Draft Development Agreement
4. Existing & Pending Commercial/Multi-Family Zoning and Land Uses
5. Department Review Sheets
6. Sea View Hotel Overlay District LIP
7. Sea View Hotel Overlay District ZTA
8. Story Pole Photos
9. Commercial Visitor Serving GPA
10. IS/MND 21-001
11. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 21-47

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF INITIAL STUDY NO. 21-001, AND MITIGATED NEGATIVE DECLARATION NO. 21-001 PREPARED FOR THE PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 17-086, CONDITIONAL USE PERMIT NO. 21-001, GENERAL PLAN AMENDMENT NO. 21-001, GENERAL PLAN MAP AMENDMENT NO. 17-002, LOCAL COASTAL PROGRAM AMENDMENT NO. 16-006, ZONING MAP AMENDMENT NO. 17-002, ZONING TEXT AMENDMENT NO. 20-001, DEVELOPMENT AGREEMENT NO. 21-001, LOT MERGER NO. 20-002 AND DEMOLITION PERMIT NO. 20-19 TO REZONE AND CHANGE THE LAND USE DESIGNATION OF THE PROPERTIES FROM COMMUNITY COMMERCIAL (CC) TO COMMERCIAL VISITOR SERVING-2 (CV-2), A NEW SEAVIEW HOTEL OVERLAY DISTRICT WITH ASSOCIATED DEVELOPMENT STANDARDS, INCLUDING THE PROPOSED FLOOR AREA RATIO OF 0.52 FOR THE PUBLIC BENEFITS PROVIDED BY THE PROJECT, AND A NEW 26,734 SQUARE FOOT, 39-ROOM HOTEL, INVOLVING THE REMODEL OF AN EXISTING FOUR-STORY, 15,392 SQUARE FOOT COMMERCIAL BUILDING AND A 9,500 SQUARE FOOT PARKING LEVEL AT 22741 PACIFIC COAST HIGHWAY AND CONSTRUCTION OF A NEW TWO-STORY, 11,342 SQUARE FOOT ADDITION PLUS A BASEMENT ON AN ADJACENT PARCEL AT 22729 PCH, AND AUTHORIZING THE PLANNING DIRECTOR TO SUBMIT A LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR THE USE LOCATED IN THE COMMUNITY COMMERCIAL ZONING DISTRICT AT 22741 AND 22729 PACIFIC COAST HIGHWAY (GREY GRANITE, LLC; LAS TUNAS BEACH, LLC; AND SEA VIEW TERRACE, LLC)

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

SECTION 1. Recitals.

A. On November 22, 2016, an application for Local Coastal Program Amendment (LCPA) No. 16-006, General Plan Map Amendment (GPMA) No. 17-002, Zoning Map Amendment (ZMA) No. 17-002 was submitted to the Planning Department by applicant, Norman Haynie, on behalf of Grey Granite, LLC; Las Tunas Beach, LLC; and Sea View Terrace, LLC.

B. On July 15, 2020, Zone Text Amendment (ZTA) No. 20-001 and Lot Merger (LM) No. 20-002 was added to the project.

C. On September 5, 2017, an application for Coastal Development Permit (CDP) No. 17-086 and Variance (VAR) Nos. 17-034, 17-035, and 17-036, Minor Modification (MM) No. 17-016 was submitted to the Planning Department by applicant. The application was routed to the City Geotechnical staff, City Environmental Health Administrator, City Biologist, City Public Works Department, Los Angeles County Fire Department (LACFD), Los Angeles County Waterworks District 29 (WD 29), Los Angeles County Sheriff Department (LACSD) for review.

D. On October 3, 2017, Planning Department staff conducted a site visit to document site conditions, the property and surrounding area.

E. On November 14, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

F. On April 27, 2020, the City Council directed staff to negotiate Development Agreement terms with the applicant.

G. On August 10, 2020, the City Council provided guidance on public benefits.

H. On September 14, 2020, the City Council approved a Developer Reimbursement Agreement for Rincon to prepare an initial study.

I. On January 27, 2021, Conditional Use Permit (CUP) No. 21-001 was added to the project.

J. On February 4, 2021, a Notice of Intent to Adopt a Mitigated Negative Declaration was published in a newspaper of general circulation within the City of Malibu. The 30-day public review period ran from February 4, 2021 to March 4, 2021. On February 10, 2021, the Governor's Office of Planning and Research distributed the Mitigated Negative Declaration to responsible agencies for a 30-day public review period, from February 10, 2021 to March 11, 2021 (State Clearinghouse No. 2021020208).

K. On March 31, 2021, the Environmental Review Board (ERB) reviewed and considered the subject application, written reports, and provided recommendations to staff regarding the project.

L. On June 14, 2021, staff deemed the application complete.

M. On May 13, 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.

N. On June 7, 2021, the Planning Commission continued the item to June 21, 2021.

O. On June 17, 2021, General Plan Amendment (GPA) No. 21-001 was added to the project.

P. On June 21, 2021, the Planning Commission continued the item to June 30, 2021.

Q. On June 30, 2021, 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 (Initial Study [IS] No. 21-001) pursuant to CEQA Guidelines Section 15305. The initial study analyzed the proposed project and determined that it will not have a significant impact on the environment with implementation of mitigation measures; subsequently, Mitigated Negative Declaration (MND) No. 21-001 was prepared and circulated pursuant to CEQA Guidelines Section 15070.

On February 4, 2021, the City made IS No. 21-001 and MND No. 21-001 available to the public for the required 30-day circulation period, which concluded on March 4, 2021. The State Clearinghouse closed its review period on March 11, 2021. A total of seven pieces of correspondence was received during the public comment period, which is discussed in a Response to Comments (Section 2.0) added to the Final IS/MND.

The Planning Commission has considered IS-MND No. 21-001 together with the comments received during the public review process. IS-MND No. 21-001 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 proposed 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 substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP), including Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 17-086 to construct new, 4-story, 26,734-square foot, 39-room hotel with a Floor Area Ratio of 0.52 involving the remodel of an existing four-story, commercial building, comprising 15,392 square feet of floor area with a 9,500 square foot parking level and construction of a new, 2-story, 11,342 square foot addition with a basement on an adjacent parcel. The project includes a restaurant/bar, spa, rooftop deck and swimming pool, new surface parking lot, hardscape and landscaping, grading and retaining wall, lighting and utilities, and an upgrade and expansion of the existing onsite wastewater treatment system, including GPMA No. 17-002 to change the land use designation from CC to CV, GPA No. 21-001 to change the FAR for the Sea View Hotel Overlay District, ZMA No. 17-002 to rezone the properties from CC to CV-2, ZTA No. 20-001 to adopt the Sea View Hotel Overlay District with associated development standards, LCPA No. 16-006 to change the land use designation and zoning from CC to CV-2 and to adopt the Sea View Hotel Overlay District with associated development standards, a development agreement for the development, including the proposed Floor area ratio for the public benefits provided by the project, CUP No. 21-001 for the hotel use in the Commercial

Visitor Serving zoning district, and alcohol service, LM No. 20-002 to merge the two subject parcels, and DP No. 20-019 to demolish the existing gas station, located in the CC zoning district at 22741 and 22729 Pacific Coast Highway.

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 proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable development standards inclusive of the requested discretionary requests. The proposed DA 0.52 Project will conform to the MMC upon approval by the City Council and will conform with the LCP upon CCC certification of the LCPA, for the development agreement and Overlay District. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, WD29, LACFD and LACSD.

2. IS-MND No. 21-00 was prepared in accordance with CEQA and the CEQA Guidelines Other alternatives were analyzed. This analysis assesses whether alternatives to the proposed 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. 21-001 were reviewed by the ERB and it provided recommendations that were all added as conditions of approval.

B. 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 staff, City Public Works Department, and the LACFD, including foundations, AOWTS, 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 proposed 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 proposed 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 proposed project.

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

C. Land Division (LIP Chapter 15 and MMC 16.32.010)

1. (a) Since the proposed use encompasses two parcels, the lot merger is also proposed to combine the two parcels as one, comprising the hotel Project Site. The lot merger is a condition of approval for CUP No. 21-001 and is authorized as a condition of CDP No. 17-086. (b) The subject property is not in a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. The subject parcel is not located within the first public street and the ocean. The Project will not have an adverse effect either individually or cumulatively on coastal resources.

2. Said instrument is required as a condition of approval in this permit. Upon submittal, the document shall be reviewed by the City Engineer and approved by the Planning Director and recorded at the Los Angeles County Recorder's Office.

D. Conditional Use Permit No. 21-001 – Commercial Expansion, Hotel and Associated Uses, and Alcohol Sales

1. The proposed hotel use is a conditionally permitted use in the CV-2 zoning district. Pursuant to MMC Sections 17.22.040(B) and 17.24.030(A), restaurants and onsite alcohol sales/consumption are conditionally permitted uses in the CV-2 zoning district. Therefore, the proposed project has been conditioned to comply with all applicable provisions of the MMC.

2. 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, as mitigated, designed and conditioned, will have less than significant adverse visual impacts and will not impair the integrity and character of the zoning district.

3. The subject site is physically suitable for the proposed hotel land use and for providing alcohol service. The existing commercial development can accommodate the proposed visitor-serving commercial use by converting the existing commercial office use to the hotel use with limited physical modifications to the existing commercial development, and the construction of an addition on the immediately adjacent property is readily accommodated. The proposed hotel project with restaurant, bar and recreation area are areas suited for consumption of food or beverages. The proposed alcohol service would occur within areas already designated for consumption of food or beverages.

4. The proposed project can be accommodated by converting the use of the existing commercial development on the property with limited physical modifications, and the construction of an addition on the immediately adjacent property is readily accommodated. The proposed buildings have been sensitively designed and sited to be compatible with the surrounding commercial and residential land uses. The proposed alcohol service, in association with a hotel with restaurant, is a compatible land use. The proposed hotel project with restaurant, bar and recreation area are areas suited for consumption of food or beverages. The proposed alcohol service would occur within areas already designated for consumption of food or beverages.

5. The proposed use hotel use and alcohol service is compatible with existing and future land uses. The proposed hotel project with restaurant, bar and recreation area are areas suited for consumption of food or beverages. The proposed alcohol service would occur within areas already designated for consumption of food or beverages. The project is also located within the commercial corridor of the city and the surrounding development is comprised of restaurants, motels, and other commercial development. The restaurants in the surrounding zoning district also provide alcohol service.

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 are available to serve the project. Utilities are available to serve the project. Existing utilities serve the project site, and onsite and offsite upgrades are proposed to the OWTS and water service that improve water quality and water service for the area. The AOWTS has been reviewed by the City Environmental Health Administrator and on March 29, 2018, was found to meet the minimum requirements of the Malibu Plumbing Code, the MMC. and the LCP. The subject system will meet all applicable requirements, and operating permits will be required.

7. Adequate public services are available to serve the project. Access to the project is from PCH, an existing public road. The existing vehicle access from the two existing driveways on PCH would be reconfigured. The existing driveway on the west side of the property that currently provides access to the parking garage would be converted to an egress for delivery trucks and fire access only. The existing driveway on the east side would be converted into a two-way ingress and egress for all other vehicles. The LACFD has reviewed and conditioned the project for conformance with fire safety standards. The project will not have significant effects.

8. The Malibu General Plan is a policy document that contains policy measures. The specific development standards to implement these policy measures are located in the MMC. Hotel uses and alcohol service are conditionally permitted commercial uses in the CV-2 zoning district and, as conditioned, is consistent with the goals, objectives, policies, and general land uses of the General Plan, inclusive of the GPA.

9. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies such as the ABC and the LACSD.

10. Hotel uses and alcohol service are conditionally permitted uses in the CV-2 zoning district. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies such as the ABC and the LACSD. As conditioned, the proposed use will not be detrimental to the public interest, health, safety, convenience or welfare

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 staff, less than significant impacts on structural integrity from geologic or flood hazards are expected. The proposed project, as conditioned, will not increase instability of the site or structural integrity from geologic, flood, fire or any other hazards. City geotechnical staff has approved the water tank for conformance with all LCP standards, subject to the incorporation of the project geotechnical consultant’s recommendations.

E. Demolition Permit Findings (MMC Chapter 17.70)

1. Conditions of approval, including the recycling of demolished materials, have been included to ensure that the proposed project will not create significant adverse environmental impacts.

2. This CDP application is being processed concurrently with DP No. 20-019, and approval of the demolition permit is subject to the approval of CDP No. 17-086.

SECTION 4. Local Coastal Program Amendment No. 16-006 Findings

LCP Amendment (LCPA No. 16-006) to amend Section 3.4 (Zoning Designations and Permitted Uses-Overlay Zones) to include Subsection 3.4.6 (Sea View Hotel Overlay) to adopt the Sea View Hotel Overlay District with associated development standards in conjunction with approval of Development Agreement No. 21-001 for the Hotel Project.

Based on the evidence in the whole record, the Planning Commission hereby finds as follows:

1. LCPA No. 16-006, meets the requirements of, and is in conformity with, the LCP and the policies of Chapter 3 the California Coastal Act.

2. Section 30210 of Chapter 3 of the Act requires the State to advance the public right of access to coastal resources, including through local coastal programs, in a manner consistent with the rights of private property owners.

3. C. Chapter 2 of the Malibu Land Use Plan (LUP) incorporates the Act's public access policies, including Section 30210.

4. As relevant here, the Legislature's statement of goals in Section 30001.5(c) of the Act also declares an intent to maximize public access to the coast "consistent with . . . constitutionally protected rights of private property owners."

5. LUP Chapter 5. The following LUP policies and sections from LUP Chapter 5 apply and provide in pertinent part as follows:

A.2. Visitor serving commercial uses shall be allowed in all commercial zones in the City and shall be given priority over other non-coastal dependent development.

5.11 Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent uses. All uses shall be consistent with protection of public access and ESHA.

6. LUP Chapter 2. The following LUP policies and sections from LUP Chapter 2 apply and provide in pertinent part as follows:

30213 Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

30222The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

2.33 Priority shall be given to the development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for coastal recreation. On land designated for visitor-serving commercial and/or recreational facilities, priority shall be given to such use over private residential or general commercial development. New visitor-serving uses shall not displace existing low-cost visitor-serving uses unless an equivalent replacement is provided.

2.34 Existing, lower cost visitor-serving and recreation facilities, including overnight accommodations, shall be protected to the maximum feasible extent. New lower cost visitor and recreation facilities, including overnight accommodations, shall be encouraged and provided, where designated on the LUP Map. Priority shall be given to developments that include public recreational opportunities. New or expanded facilities shall be sited and designed to minimize impacts to environmentally sensitive habitat areas and visual resources.

2.36 Coastal recreational and visitor serving uses and opportunities, especially lower cost opportunities, shall be protected, encouraged, and where feasible, provided by both public and private means. Removal or conversion of existing lower cost opportunities shall be prohibited unless the use will be replaced with another offering comparable visitor serving or recreational opportunities.

2.37 Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.

SECTION 5. General Plan Amendment No. 17-002 and General Plan Amendment 21-001 Findings

GPMA No. 17-002 will change the land use designation from CC to CV-2.GPA No. 21-001 would change the FAR to 0.52 for the Sea View Hotel Overlay.

Based on the evidence in the whole record, the Planning Commission hereby finds as follows:

1. The GPMA will make the land use designation for the project site consistent with the LCP and the zoning designation for the property. The GPA will make the increased FAR of the project consistent with the General Plan

2. The General Plan land use designations in the area surrounding the project site are primarily commercial, with some residential. The project site is designated for commercial uses, and is currently designated with the CC land use designation, which is intended to provide resident

serving needs on land that is suitable for concentrated commercial activity. The designation plans for centers that offer a greater depth and range of consumer goods than those found in neighborhood centers, which typically contain an anchor tenant such as a supermarket. Allowed uses typically include financial institutions, restaurants and health care facilities.

3. 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.

4. The GPMA and GPA are consistent with the objectives, policies, general land uses and program specified in the General Plan.

LU OBJECTIVE 4.4 of the General Plan provides for successful businesses appropriate for to Malibu. To fulfil this LU Policy 4.4.3 provides: "The City shall regulate design of new bed and breakfast inns to foster "country-inn type" establishments and regulate the size and design of other hotel development to ensure development compatible with a rural residential community and discourage convention hotel developments by limiting on the same site ancillary uses such as banquet and meeting rooms and limiting restaurants to a capacity necessary to serve guests of the hotel only."

5. The existing commercial development can accommodate the proposed visitor-serving commercial use by converting the existing commercial office use to the hotel use with limited physical modifications to the existing commercial development, and the construction of an addition on the immediately adjacent property is readily accommodated. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

SECTION 6. Zoning Map Amendment No. 17-002 Findings

The proposed Zoning Map Amendment No. 17-002 will change the zoning from CC to CV-2.

Based on the evidence in the whole record, the Planning Commission hereby finds as follows:

1. The zoning map amendment is consistent with the objectives, policies and general land uses in the General Plan, as amended by the LCP amendment.

2. The zoning map amendment will allow the MMC to be amended and be consistent with the amended LCP zoning map, and is only a corollary of that action.

3. The zoning map amendment is necessary for the proposed LCP amendment and will only be approved if the LCP amendment is approved, and on the condition that the zoning map amendment only take effect if the LCP amendment is certified by the CCC.

SECTION 7. Zoning Text Amendment No. 20-001 Findings

ZTA No. 20-001 includes an amendment to Zoning Code, and the corollary amendments to the certified Local Coastal Program Local Implementation Plan. Specifically, the amendment consists of the following:

Amendment to MMC Section 17.42.020 to conform to the LCP amendments by amending Title 17 (Zoning) Section 42.020 (Overlay Districts), to include Subsection 17.42.020.M (Sea View Hotel Overlay) and associated development standards.

Based on the evidence in the whole record, the Planning Commission hereby finds as follows:

1. The Zoning Text amendment is necessary for the proposed LCP amendment and recommends that the City Council approve zoning text amendment only if it approves the LCP amendment and on the condition that the zoning text amendment only take effect if the LCP amendment is certified by the CCC.

2. Pursuant to MMC Section 17.74.040, the subject zoning text amendments are consistent with the objectives, policies, and general land uses in the General Plan, as amended by the LCP amendment.

3. The zoning text amendments will allow the text of the MMC to be amended consistent with the amended LCP and is only corollary of that action.

SECTION 8. Development Agreement No. 21-001 Findings (MMC 17.64.010)

Development Agreement No. 21-001 to allow adoption of the Sea View Hotel Overlay District with associated development standards, including increased FAR.

Based on the evidence in the whole record, the Planning Commission hereby finds as follows:

1. Pursuant to MMC Section 17.64.010, the City Council may enter into a DA for the development of real property with any person having a legal or equitable interest in such property, or having written permission from a person having such interest.

2. The applicant represents the owners of the property and has requested the development agreement.

3. The proposed development agreement is consistent with the general plan as the proposed hotel use meets the definition of a hotel in the general plan.

4. The proposed DA 0.52 Project is consistent with the General Plan in that the GPA, ZTA, and LCPA Overlay will set forth the proposed FAR is within the allowable and promotes a use recognized and promoted by the General Plan.

5. The locations of the proposed buildings have been sited with concern for adjacent residential development and have been analyzed in IS-MND No. 21-001.

6. The application submittal provided site design, proposed location, height, scale, architectural design and circulation of the proposed development. A landscaping plan has been submitted and signage standards have been requested as part of the LCPA.

7. The proposed development agreement complies with zoning subdivision and other applicable ordinances and regulations.

8. The proposed development agreement is consistent with the public convenience, general welfare and good land use practice, making it in the public interest to enter into the development agreement with the applicant.

9. The proposed development agreement will not: a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

10. The proposed development agreement complies with the terms, conditions, restrictions and requirements of Section 17.64.050.

SECTION 9. Determination of Public Convenience or Necessity.

According to the State Department of Alcoholic Beverage Control, the project site is located within a census tract that has an over-concentration of licenses; therefore, a Letter of Public Convenience or Necessity is required. Based on CUP findings in Section 3 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 10. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby recommends to the City Council the adoption of IS/MND No. 21-001 and approval of CDP No. 17-086, CUP No. 21-001, LM No. 20-002 and DP No. 20-019, and recommends approval of GPA No. 17-002, ZMA No. 17-002, ZTA No. 20-001, LCPA No. 16-006, and DA No. 21-001, subject to the following conditions.

SECTION 11. 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, 4-story, 26,734-square foot, 39-room hotel with a FAR of 0.52 involving the remodel of an existing four-story, office building at 22741 PCH, comprising 15,392 square feet of floor area with a 9,500 square foot parking level;
b. New, 2-story, 11,342 square foot addition with a basement on an adjacent parcel at 22729 PCH;
c. Restaurant/bar;
d. Spa;
e. Rooftop deck and pool;
f. New surface parking lot;
g. Hardscape and landscaping;
h. Grading and retaining wall;
i. Lighting and utilities; and
j. Upgrade and expansion of the existing onsite wastewater treatment system,
k. Discretionary Requests:
    i. GPMA No. 17-002 to change the land use designation from CC to CV;
    ii. GPA No. 21-001 to to allow greater than the maximum FAR of 0.25 with a DA? or is it sufficient to say in the text amendment that the max FAR in zone description does not apply in the Sea View Hotel Overlay;
    iii. ZMA No. 17-002 to change to zoning from CC to CV-2;
    iv. ZTA No. 20-001 to adopt the Sea View Hotel Overlay District with associated development standards;
    v. LCPA No. 16-006 to change the land use designation from CC to CV-2 and to adopt the Sea View Hotel Overlay District with associated development standards;
    vi. DA No. 21-001 to approve the development agreement for the development, including the proposed floor area ratio for the public benefits provided by the project;
    vii. CUP No. 21-001 for the hotel use in the commercial visitor serving zoning district, and alcohol service
    viii. LM No. 20-002 to merge the two subject parcels; and
    ix. DP No. 20-019 to demolish the existing gas station.

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 **November 11, 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. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.

5. The applicant shall submit three (3) complete sets of plans, including the items required in Condition No. 6, 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 resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the City Council agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.

7. 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.

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

9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Sheriff's Department, WD 29, and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured. Notwithstanding this review, all required permits shall be secured.

10. 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.

11. 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.

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

Lighting

13. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60-watt incandescent bulb);
    b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
    c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;

d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
e. Site perimeter lighting shall be prohibited; and
f. Outdoor decorative lighting for aesthetic purposes is prohibited.

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

15. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.

16. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas.

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

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

19. 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.

Building Plan Check/Department Conditions

Construction / Framing

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

21. 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.

22. 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.

23. 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.

24. 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.

25. 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

26. In-lieu of the standard conditions of approval for cultural resources protection, the mitigation measures of the Mitigation Monitoring and Reporting Program (MMRP) shall apply.

27. Archaeological monitoring of all excavation activities shall be performed on the project site. The monitoring team shall consist of one qualified archaeologist and one qualified Chumash cultural resource monitor who shall observe all excavation activities and record, document, and illustrate the excavated area with plans and profiles. Should the presence of important prehistoric cultural resources or ethnohistoric Chumash cultural resources be found, an evaluation and Phase III mitigation program shall be conducted in consultation with the qualified Chumash Cultural resource monitor. The Planning Director shall review and approve all design/work plans for Phase III mitigation programs and reports which detail the evaluative techniques and results.

28. Prior to the issuance of building permits, the contact information for the retained archaeological monitoring team shall be provided to the Planning Department. A copy of this approval shall be provided to the archaeological monitoring team for reference.

29. 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

30. Prior to the issuance of building permits, the applicant or property owner shall complete Spec 29-840 (PC) that includes the installation of a new 20" check valve and 18" spool in the Caltrans right of way along Topanga Canyon Boulevard, pursuant to WD 29 standards and requirements.

31. Future signage plans shall demonstrate that signage does not impair visibility for drivers along PCH.

32. This conditional use permit shall not be effective until all appeals are exhausted and the property owner, applicant and the business operator execute 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.

33. The applicant shall coordinate with Metro Bus Operations Control Special Events Coordinator and Metro's Stops and Zones Department no later than 30 days before the start of project construction.

Mitigation Monitoring and Reporting Program

34. The project shall comply with all the mitigation measures included in the MMRP of IS-MND No. 21-001.

Colors and Materials

35. 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.

36. 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.

37. 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

38. 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. Incorporate 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.

39. 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.

40. 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.

41. The conditions under which this 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.

42. 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.

43. 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.

44. 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. The use for which the conditional use permit was granted has ceased or was suspended for at least six successive calendar months.
    c. One or more of the conditions found within this resolution have not been substantially met.

45. The conditional use permit is subject to Planning Commission revocation should the use for which the conditional use permit was granted cease for six successive calendar months, except in the case of a natural disaster.

Commercial Development

46. 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

47. 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.

48. This approval is the operation of a full-service restaurant serving alcohol for onsite consumption. The hours of operation will be 7:00 A.M. to 12:00 A.M., Sunday through Thursday, and 7:00 A.M. to 2:00 A.M. Fridays and Saturdays.

49. The rooftop deck shall be open to registered guest of the hotel only. The restaurant may be open to hotel guests and members of the public.

Trash Storage Areas

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

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

Outdoor Material Storage

52. 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.
53. The storage areas must be paved and sufficiently impervious to contain leaks and spills.

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

Alcohol Service

55. This CUP permits the sale and consumption of alcoholic beverages with an approved ABC license. The property owner / tenant 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.

56. 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.

57. 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).

58. 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.

59. 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).

60. The property owner / tenant shall comply with the requirements set forth in MMC Chapter 9.28 (Plastic Bag Ban). No retail establishment, restaurant, vendor, or nonprofit vendor shall provide plastic bags or compostable bags to customers. This requirement applies to plastic or compostable bags provided at the point of sale for the purpose of carrying away goods.

61. No restaurant, food packager, retail food vendor, or nonprofit food provider shall provide prepared food to its customers in any food packaging that utilizes expanded polystyrene. "Expanded polystyrene" means and includes blown polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam, a Dow Chemical Company trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Expanded polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, and egg cartons.

62. The property owner / tenant shall comply with the requirements set forth in MMC Chapter 9.24 (Ban on Plastic Food Packaging and Other Plasticware). No retail establishment, restaurant, vendor or nonprofit shall provide plastic beverage straws, plastic stirrers, or plastic cutlery to customers.

63. Staff shall inspect the property as needed after approval of the CUP to verify compliance with the conditions of approval.

64. The Planning Department shall conduct a review of restaurant operations and compliance with conditions of approval. The report shall be presented to the Planning Commission five years after CUP approval.

Sheriff's Department

65. The tenant 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).

Water Quality/Water Service

66. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from Los Angeles County Waterworks District No. 29 to the Planning Department indicating the ability of the property to receive adequate water service.

Biology/Landscaping

67. The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly 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.

68. Prior to the initiation of any work between October 1 and March 1, the project limits and a 300-foot buffer shall be monitored by a qualified biologist with knowledge of monarch butterfly migration. The biologist shall determine if any portion of the project limits or buffer area is supporting over-wintering monarch butterflies. The surveying biologist shall confer with the City Biologist to determine if wintering monarchs would be affected by the proposed project. The project may then start after written authorization by the City Biologist.

69. Any site preparation activities scheduled between February 1 and August 30 will require nesting bird surveys by a qualified biologist prior to initiation of grading activities. Surveys shall be completed no more than five days from the proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 250 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. New vegetation shall be situated so as not to obstruct the primary view from private property at any given time, given consideration for future growth.

70. 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.

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

72. 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).

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

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

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

76. 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.

77. 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).

78. 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.

79. 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.

Environmental Health

80. 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.

81. 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).

82. 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).

83. 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.

84. 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.

85. 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.

86. Proof of Ownership: Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

87. 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.

88. Maintenance Contract: 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.

89. OWTS Covenant: 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.

90. Project Geologist/Geotechnical Consultant Approval: The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.

91. 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.

92. 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.

93. Traffic-Rated Slab Plan(s): The final grading plan shall provide measures for protection of all private sewage disposal system components existing beneath the proposed roadway.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.

94. Conditional Use Permit: A conditional use permit (CUP) shall be obtained from the City of Malibu Planning Department to hold the two properties as one and allow for the onsite wastewater treatment system at22741 Pacific Coast Hwy.to service the effluent disposal for 22729 Pacific Coast Hwy. The CUP shall be submitted to the Environmental Health Administrator for review.

95. Waste Discharge Requirements: Submit wastewater plans, and all necessary supporting forms and reports to the Los Angeles Regional Water Quality Control Board (RWQCB),320W.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

Geology

96. 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.

97. 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

98. This 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

99. Earthmoving shall be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct earthmoving activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted to the City Biologist for approval prior to the issuance of a grading permit and implemented prior to initiation of vegetation removal and/or earthmoving activities. A note shall be placed on the project plans that address this condition.

100. 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.

101. 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 (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks, as applicable);
    c. The limits of land to be disturbed during project development, and a total area, to include areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for installation of the detention system, as applicable;
    d. Grading limits, including the temporary cuts made for retaining walls, buttresses and over-excavations for fill slopes;
    e. Private storm drain systems, with systems greater than 12 inch diameter to include a plan and profile; and
    f. Public storm drain modifications.

102. 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

103. 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
	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

104. 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.

105. 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

106. The developers consulting engineer shall sign the final plans prior to the issuance of permits.

107. Prior to the issuance of any grading or building permits, the lot merger must be approved by the City and filed with the City Clerk's office.

108. 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.

109. The applicant shall label all City/County storm drain inlets within 250 feet of each property lien per the City of Malibu’s standard label template. A note shall be placed on the project plans to address this condition.

110. 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

111. 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 or to the ASBS(including tributaries)

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

112. 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.

Prior to Final Sign-Off/Prior to Occupancy

113. 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.

114. 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 material that were land filled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.

115. 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.

116. 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.

117. 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.

- 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, 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.

Deed Restrictions

118. 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.

119. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in this resolution. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

Lot Merger

120. The applicant shall submit the certificate of compliance for lot merger documents and pay applicable Public Works Department filing fee.

121. The proposed lot merger must be approved by the City and filed with the City Clerk's office prior to the approval of any development permit.

122. Upon review of the documents provided, the City may require submittal of additional documents or maps, depending upon the completeness of the initial submittal

Fixed Conditions

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

124. 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

125. The project shall comply with all the mitigation measures included in the MMRP (Exhibit A) of IS/MND No. 21-001.

126. CR-1: If cultural resources are encountered during ground-disturbing activities, work in the immediate area must halt and a qualified archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately by the construction manager to evaluate the find in consultation with the City’s Planning Director. The Planning Director shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are determined to be prehistoric or Native American in origin. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for the NRHP and/or CRHR eligibility. If the discovery proves to be eligible for the NRHP and/or CRHR and cannot be avoided by the project, additional

work such as data recovery excavation and Native American consultation may be warranted to mitigate any significant impacts. Work shall not resume until authorized by the City and the qualified archaeologist.

127. GEO-1: The proposed project shall be constructed in accordance with the recommendations of the Geotechnical Report, including overexcavation and deepened concrete pile foundations embedded into bedrock to reduce geotechnical risks associated with the project site's liquefiable soils.

128. GEO-2: Prior to the commencement of project construction, a Qualified Paleontologist (i.e., a paleontologist who meets the SVP [2010] standards as a Qualified Professional Paleontologist) shall be retained to design a Paleontological Resources Mitigation and Monitoring Program (PRMMP) for submission to the City prior to the issuance of grading permits. The PRMMP shall outline the procedures and protocol for conducting paleontological monitoring and mitigation. Monitoring shall be conducted during ground-disturbing activities (including, but not limited to site preparation, grading, excavation, and trenching) of intact (i.e., previously undisturbed) Miocene Monterey Formation by a qualified paleontological monitor (i.e., a paleontologist who meets the SVP [2010] standards as a Paleontological Resource Monitor). The PRMMP shall address the following procedures and protocols:

- Timing and duration of monitoring
- Procedures for work stoppage and fossil collection
- The type and extent of data that shall be collected with any recovered fossils
- Identify an appropriate curatorial institution
- Identify the minimum qualifications for qualified paleontologists and paleontological monitors
- Identify the conditions under which modifications to the monitoring schedule can be implemented
- Details to be included in the final monitoring report.

Prior to issuance of a grading permit, copies of the PRMMP shall be submitted for review to the Department of Planning at the City of Malibu.

Full-time monitoring shall be conducted for all ground-disturbing activities associated with excavations for the basement, and all ground disturbance within project areas underlain by geologic units with high paleontological sensitivity (i.e., Miocene Monterey Formation). These project activities have a high potential of disturbing native (previously undisturbed) paleontologically-sensitive strata. If Miocene Monterey Formation (Tm) is not observed at the full depth of excavations associated with the basement, monitoring can be discontinued. Ground-disturbing activities that impact previously disturbed sediments (i.e., artificial fil) do not require paleontological monitoring.

The duration and timing of the monitoring shall be determined by the Qualified Paleontologist. If the Qualified Paleontologist determines that full-time or part-time monitoring is no longer warranted based on observed geology, he or she may recommend reducing monitoring to periodic spot-checking or may recommend that monitoring cease entirely. Monitoring shall be reinstated if any new ground disturbances of previously

undisturbed areas are required, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.

If a paleontological resource is discovered, the monitor shall have the authority to temporarily divert construction equipment around the find until it is assessed for scientific significance and collected. Once salvaged, significant fossils shall be prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the Natural History Museum of Los Angeles County or UCMP). Curation fees are the responsibility of the project owner.

A final report shall be prepared describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to City. If the monitoring efforts produced fossils, a copy of the report shall also be submitted to the designated museum repository.

129. TCR-1: The project applicant shall retain the services of a qualified Native American Monitor culturally and traditionally affiliated with the project area during construction-related ground disturbance activities. Ground disturbance is defined as activities that include, but are not limited to, pavement removal, potholing or auguring, grubbing, weed abatement, boring, grading, excavation, drilling, and trenching, within the project area. The monitor(s) shall be present on-site during the construction phases that involve any ground disturbing activities. The Native American Monitor(s) shall complete monitoring logs on a daily basis that provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the construction-related ground disturbance activities are completed, or when the monitor has indicated that the site has a low potential for archeological resources.

130. TCR-2: In the event that a cultural resource of Native American origin is found during project-related ground disturbance, excavation and other construction activity in that area shall cease. If the City of Malibu, in consultation with local Native Americans culturally and traditionally affiliated with the project area and/or that have requested consultation under AB 52, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The mitigation plan may include but would not be limited to avoidance, capping in place, excavation and removal of the resource, interpretive displays, sensitive area signage, or other mutually agreed upon means.

131. TCR-3: The Lead Agency shall, in good faith, consult with the Fernandeño Tataviam Band of Mission Indians on the disposition and treatment of any tribal cultural resources encountered during the project grading.

SECTION 12. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 30th day of June 2021.

JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 21-47 was passed and adopted by the Planning Commission of the City of Malibu at the special meeting held on the 30th day of June 2021 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary

EXHIBIT A

Mitigation Monitoring and Reporting Program

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code Section 21081.6). This mitigation monitoring and reporting program is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure required in the Initial Study-Mitigated Negative Declaration (IS-MND), specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Cultural Resources							
CR-1: Unanticipated Discovery of Archaeological Resources							
If cultural resources are encountered during ground-disturbing activities, work in the immediate area must halt and a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately by the construction manager to evaluate the find in consultation with the City's Planning Director. The Planning Director shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are determined to be prehistoric or Native American in origin. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for the NRHP and/or CRHR eligibility. If the discovery proves to be eligible for the NRHP and/or CRHR and cannot be avoided by the project, additional work such as data recovery excavation and Native American consultation may be warranted to mitigate any significant impacts. Work shall not resume until authorized by the City and the qualified archaeologist.	A qualified archaeologist shall be contacted immediately in the event of a cultural resources find during ground-disturbing activities. If prehistoric, the find shall also be evaluated by a Native American representative. Perform data recovery excavation and conduct required consultation, if needed.	During ground-disturbing activities if cultural resource(s) is/are found.	Ensure measure is identified on project plans prior to issuance of grading or construction permits. Actions will be performed and monitored, as needed.	Planning Department, Construction Contractor, Project Archaeologist			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Geology and Soils							
GEO-1: Compliance with Recommendations of the Geotechnical Report							
The proposed project shall be constructed in accordance with the recommendations of the Geotechnical Report, including overexcavation and deepened concrete pile foundations embedded into bedrock to reduce geotechnical risks associated with the project site's liquefiable soils.	The Project Applicant shall incorporate the geotechnical measures aimed at minimizing impacts from liquefiable soils.	During grading and excavation activities.	Periodically throughout construction activities.	Planning Department, Construction Contractor			
GEO-2: Paleontological Resources Mitigation and Monitoring Program							
Prior to the commencement of project construction, a Qualified Paleontologist (i.e., a paleontologist who meets the Society of Vertebrate Paleontology [SVP] [2010] standards as a Qualified Professional Paleontologist) shall be retained to design a Paleontological Resources Mitigation and Monitoring Program (PRMMP) for submission to the City prior to the issuance of grading permits. The PRMMP shall outline the procedures and protocol for conducting paleontological monitoring and mitigation. Monitoring shall be conducted during ground-disturbing activities (including, but not limited to site preparation, grading, excavation, and trenching) of intact (i.e., previously undisturbed) Miocene Monterey Formation by a qualified paleontological monitor (i.e., a paleontologist who meets the SVP [2010] standards as a Paleontological Resource Monitor). The PRMMP shall address the following procedures and protocols: ▪ Timing and duration of monitoring	A qualified paleontological monitor shall conduct paleontological monitoring during ground-disturbing activities. The qualified paleontological monitor shall be supervised by a Qualified Professional Paleontologist. Full-time monitoring shall be conducted for all ground-disturbing activities associated with excavations for the basement, and all ground disturbance within project areas underlain by geologic units with high paleontological sensitivity (i.e., Miocene Monterey Formation). If Miocene Monterey Formation (Tm) is not observed at the full depth of excavations associated with the basement, monitoring can be discontinued. The paleontological monitor shall have authority to divert construction equipment from a discovered paleontological	During ground-disturbing activities associated with excavations for the basement, and all ground disturbance within project areas underlain by geologic units with high paleontological sensitivity (i.e., Miocene Monterey Formation) and as determined necessary by the qualified paleontologist.	Ensure measure is identified on project plans prior to issuance of grading or construction permits. Frequency of monitoring shall be determined by the qualified paleontologist.	Planning Department, Construction Contractor, Paleontological Monitor			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
▪ Procedures for work stoppage and fossil collection ▪ The type and extent of data that shall be collected with any recovered fossils ▪ Identify an appropriate curatorial institution ▪ Identify the minimum qualifications for qualified paleontologists and paleontological monitors ▪ Identify the conditions under which modifications to the monitoring schedule can be implemented ▪ Details to be included in the final monitoring report. Prior to issuance of a grading permit, copies of the PRMMP shall be submitted for review to the Department of Planning at the City of Malibu. Full-time monitoring shall be conducted for all ground-disturbing activities associated with excavations for the basement, and all ground disturbance within project areas underlain by geologic units with high paleontological sensitivity (i.e., Miocene Monterey Formation). These project activities have a high potential of disturbing native (previously undisturbed) paleontologically-sensitive strata. If Miocene Monterey Formation (Tm) is not observed at the full depth of excavations associated with the basement, monitoring can be discontinued. Ground-disturbing activities that impact previously disturbed sediments (i.e., artificial fil) do not require paleontological monitoring. The duration and timing of the monitoring shall be determined by the Qualified Paleontologist. If the Qualified	resource. Significant fossils shall be curated in a scientific institution at the expense of the Project Applicant. A final report describing methodology, project geology and paleontology, taxa and fossils recovered on site, as well as their significance shall be prepared by the paleontological monitor for submittal to the City and designated museum, as applicable.						

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Paleontologist determines that full-time or part-time monitoring is no longer warranted based on observed geology, he or she may recommend reducing monitoring to periodic spot-checking or may recommend that monitoring cease entirely. Monitoring shall be reinstated if any new ground disturbances of previously undisturbed areas are required, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.							
If a paleontological resource is discovered, the monitor shall have the authority to temporarily divert construction equipment around the find until it is assessed for scientific significance and collected. Once salvaged, significant fossils shall be prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the Natural History Museum of Los Angeles County or UCMP). Curation fees are the responsibility of the project owner.							
A final report shall be prepared describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to City. If the monitoring efforts produced fossils, a copy of the report shall also be submitted to the designated museum repository.							
Hazards and Hazardous Materials							

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
HAZ-1: Hazardous Building Materials							
Asbestos In the event that any suspect asbestos containing materials (ACMs) are discovered during demolition activities, the materials shall be sampled and analyzed for asbestos content prior to any disturbance. Prior to the issuance of the demolition permit, the applicant shall provide a letter from a qualified asbestos abatement consultant that no ACMs are present in the building. If ACMs are found to be present, all asbestos removal operations shall be performed by a California Occupational Safety and Health Administration (Cal/OSHA) Division of Occupational Safety and Health (DOSH)-registered and California-licensed asbestos contractor. All disturbances of ACMs, and/or abatement operations, shall be performed under the surveillance of a third-party Cal/OSHA Certified Asbestos Consultant. All disturbances of ACMs, and/or abatement operations, shall be performed in accordance with the Cal/OSHA requirements set forth in 8 CCR 1529. Asbestos abatement must also be performed in accordance with SCAQMD requirements set forth in Rule 1403 as well as all other applicable state and federal rules and regulations. **Lead** Any suspect lead-based paint (LBP) shall be sampled prior to any renovations or demolition activities. Prior to the issuance of the demolition permit, the applicant shall provide a letter from a licensed LBP abatement contractor that no LBP is present in the building. If identified, LBP located within building scheduled for	**Asbestos** Suspect ACMs are discovered during demolition activities, the materials shall be sampled and analyzed for asbestos content prior to any disturbance. The Project Applicant shall provide a letter from a qualified asbestos abatement consultant that no ACMs are present in the building. Any asbestos removal operations shall be performed by a Cal/OSHA DOSH-registered and California-licensed asbestos contractor and performed under the surveillance of a third-party Cal/OSHA Certified Asbestos Consultant in accordance with SCAQMD requirements and all other applicable state and federal rules and regulations. **Lead** Suspect LBP shall be sampled prior to any renovations or demolition activities. The Project Applicant shall provide a letter from a licensed LBP abatement contractor that no LBP is present in the building. Any LBP located within building scheduled for renovation or demolition, or noted to be damaged, shall be abated by a licensed LBP abatement contractor, and disposed of according to all federal, state, and local regulations.	During demolition activities.	Ensure measure is identified on project plans prior to issuance of grading or construction permits. Monitor periodically throughout project demolition activities.	Planning Department, Construction Contractor			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
renovation or demolition, or noted to be damaged, shall be abated by a licensed LBP abatement contractor, and disposed of according to all state and local regulations. All construction work shall be subject to 29 Code of Federal Regulations Part 1926.62 "Lead Exposure in Construction Interim Final Rule," which was adopted and incorporated into California's own standard Title 8 CCR Section 1532.1.							
HAZ-2: Soil and Groundwater Contamination							
During demolition and construction, the project engineer shall direct crews to monitor excavated soil and/or waters (surface water or groundwater) for stain, odor, or other indicators of impacted media. If, during demolition, construction, or any later phase, stained or odorous soil or waters (surface water or groundwater) are detected, the applicant shall provide the following to the City: ▪ Non-emergency notification that stained or odorous soil or water (surface water or groundwater) has been detected ▪ Plan to address the further assessment of the extent of impacted media ▪ Contingency plans to address the possible impacts to site works or the public ▪ Plan for legal profiling, transportation and disposal at an offsite location ▪ Notification of other agencies (e.g., Regional Water Quality Control Board [RWQCB], Los Angeles County Fire Department (LACoFD), Department of Toxic Substances Control, etc.)	Construction workers shall monitor excavated soil and/or waters for stain, odor, or other indicators of impacted media. If detected, the Project Applicant shall provide a notification, a plan to address the impacted media, and contingency plans to the City, as well as notification to other agencies, as needed.	During all construction phases, including demolition.	Ensure measure is identified on project plans prior to issuance of grading or construction permits. Monitor periodically throughout project construction.	Planning Department, Construction Contractor			
Noise							

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
NOI-1: Construction Noise Reductions							
The project applicant shall reduce construction noise levels at the adjacent McDonald's drive-thru lane so as not to disrupt speech audibility when customers are ordering at the speaker box through to the following measures: ▪ Temporary sound blankets shall be installed along the shared property line with McDonald's. The sound blankets shall have a minimum breaking and tear strength of 120 pounds and 30 pounds, respectively. The sound blankets shall have a minimum sound transmission classification of 27 and noise reduction coefficient of 0.70. The sound blankets shall be of sufficient length to extend from the top of the frame and drape on the ground or be sealed at the ground. The sound blankets shall have grommets along the top edge with exterior grade hooks, and loop fasteners along the vertical edges with overlapping seams, with a minimum overlap of 2 inches. ▪ A sign shall be provided at the yard entrance, or other conspicuous location, that includes a 24-hour telephone number for project information, and a procedure where a field engineer/construction manager shall respond to and investigate noise complaints and take corrective action, if necessary, in a timely manner. The sign shall have a minimum dimension of 48 inches wide by 24 inches high. The sign shall be placed 5 feet above ground level. ▪ If a noise complaint(s) is registered, the contractor shall retain a City-approved	During construction, temporary sound blankets shall be installed along the shared property line with McDonald's. During construction, place sign at property that includes 24-hour project information. Have a procedure in place if noise complaints are received. The contractor shall retain a City-approved noise consultant to conduct noise measurements at the use(s) that registered the complaint.	During all construction phases.	Ensure measure is identified on project plans prior to issuance of grading or construction permits. Monitor periodically throughout project construction.	Planning Department, Construction Contractor			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
noise consultant to conduct noise measurements at the use(s) that registered the complaint. The noise measurements shall be conducted for a minimum of one hour and shall include one-minute intervals. The consultant shall prepare a letter report summarizing the measurements and potential measures to reduce noise levels to the maximum extent feasible. The letter report shall include all measurement and calculation data used in determining impacts and resolutions. The letter report shall be provided to code enforcement for determining adequacy and recommendations, as well potential revocation of the variance if measures are inadequate.							
NOI-2: Rooftop Deck Loudspeaker Noise Abatement							
The project applicant shall comply with the City's non-transportation noise at residential receiver noise level standard of 40 dBA Leq during nighttime hours through measures such as, but not limited to: ▪ The proposed cantilevered barrier should be constructed of materials that have a minimum of 2 pounds per square foot and block direct line-of-sight from residential receivers. ▪ Speakers shall be installed in the corner of the proposed cantilevered barrier. ▪ The acoustical barrier shall have side walls that partially enclose the area it is covering. The side walls shall extend completely to the south edge on both sides of the cantilevered portion of the barrier. Side walls can be glass or	The Project Applicant shall comply with the City's non-transportation noise at residential receiver noise level standard of 40 dBA Leq during nighttime hours, and the Contract Contractor shall place acoustical barriers and speakers as required. The sound system shall be tuned by a qualified acoustical consultant to ensure that the sound levels do not increase above a set threshold using a limiter.	Throughout occupancy and operation of the project.	Ensure measure is identified on project plans prior to issuance of grading or construction permits. Periodically throughout project construction.	Planning Department, Construction Contractor, Acoustical Consultant			

Mitigation Measure	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
transparent material of at least 2 pounds per square foot and solid without any openings. ▪ A limiter shall be installed on the rooftop deck audio system that shall not allow the audio system to exceed 65 dBA at the pool deck. ▪ After the speakers and barrier have been installed, the sound system shall be tuned to ensure that the sound levels do not increase above a set threshold using a limiter. The limiter shall set a hard cap on the sound levels output by the speakers to maintain the maximum-allowable sound levels in the residential community. The exercise to set the limiter level shall be conducted with a qualified acoustical consultant.							

22741 & 22729 PACIFIC COAST HIGHWAY
MALIBU, CA 90265

HOTEL CONVERSION OF EXISTING OFFICE BUILDING & NEW HOTEL BUILDING

PROJECT DATA

I. CONVERSION OF EXISTING OFFICE BUILDING TO HOTEL SITE AT 22741 PCH SUMMARY:

APN: 4452-022-017
EXISTING ZONE: CC
PROPOSED ZONE: CV-2

A. LIST OF DISCRETIONARY REQUESTS:

1. EXTENSION OF THE EXISTING ELEVATOR TO ALLOW STATE-LAW REQUIRED ADA ACCESS TO THE ROOFTOP DECK AND POOL AREA. AN EXCEPTION TO MALIBU'S HEIGHT STANDARD IS BEING REQUESTED FOR THE ELEVATOR STRUCTURE BEING MORE THAN 28 FEET ABOVE THE EXISTING ELEVATION OF THE SOIL. THE ELEVATOR WILL BE ONE FLOOR ABOVE THE TOP OF THE EXISTING ELEVATOR (SEE EXHIBIT #2 FOR A DISCUSSION THAT JUSTIFIES THE REQUESTED EXCEPTION). IT IS NOTED THAT THE PROPOSED ADDITIONAL HEIGHT OF THE ELEVATOR WILL HAVE VERY LITTLE IMPACT VISUALLY AS IT IS OVER 200 FEET FROM PCH, AND THE EXISTING ROOF OVERHAND WILL ELIMINATE MOST OF THE ADDITIONAL ELEVATOR HEIGHT AS VIEWED FROM PCH. THE NEIGHBORS TO THE NORTH ARE ALL MORE THAN 50 FEET ABOVE THE PROPOSED ELEVATOR ELEVATION;
2. ZONE CHANGE FROM CC TO CV-2 (SEE EXHIBIT #1 IN SEPARATE BINDER);
3. A VARIANCE IS BEING REQUESTED TO ALLOW FOR THE FIRE DEPARTMENT'S MANDATED EMERGENCY EXITS STAIRS ENCROACHING INTO THE EXISTING EASTERLY SIDE YARD SETBACK AREA (SEE EXHIBIT #3 IN A SEPARATE BINDER).

B. GROSS AND NET LOT AREA

GROSS LOT AREA: 33,384 SF
NET LOT AREA: 33,384 SF

C. REQUIRED AND PROPOSED SETBACKS

ALL SETBACKS ARE LEGALLY PERMITTED AND VESTED, SO THERE IS NO REQUIRED SETBACK OR PROPOSED SETBACK MODIFICATIONS. THE EMERGENCY STAIRS REFERENCED IN SECTION A-3 ABOVE WILL ENCROACH INTO THE EAST SIDEYARD SETBACK AREA LESS THAN THE EXISTING STAIRS THAT THE NEW STAIRS WILL REPLACE.

D. PROPOSED AND EXISTING STRUCTURAL HEIGHTS

1. THE ONLY RELEVANT CHANGE BEING PROPOSED IS THE ELEVATOR EXTENDING UP AN ADDITIONAL FLOOR TO PROVIDE ADA ACCESS TO THE ROOF DECK AS REQUIRED BY STATE LAW; THIS MODIFICATION TO THE CITY'S HEIGHT STANDARDS IS JUSTIFIED AND WILL BE PERMITTED IN THE SEA VIEW HOTEL OVERLAY DISTRICT. THE JUSTIFICATION FOR THE INCREASED HEIGHT IS PROVIDED IN EXHIBIT #2 IN A SEPARATE BINDER. ADDITIONALLY, THE FIRE DEPARTMENT IS REQUIRING EMERGENCY EXIT STAIRS BE PROVIDED ON THE EAST SIDE OF THE ROOF DECK; THE EXIT STAIRS MAY HAVE TO BE ENCLOSED DEPENDING ON THE LA FIRE DEPARTMENT'S ANALYSIS OF ITS OWN CODE.
2. THE EXISTING AND PERMITTED BUILDING VARIES FROM 26.6' TO 48.0' ABOVE THE EXISTING GRADE. THE BUILDING WAS FULLY PERMITTED BY THE CITY OF MALIBU AND THE COASTAL COMMISSION.

E. REQUIRED AND PROPOSED FAR

THE FAR THAT EXISTS WAS APPROVED AND PERMITTED BY THE CITY. THE MERGING OF THE UPPER PARCEL WITH THE LOWER PARCEL WILL PERMIT A FAR OF 51.8%.

F. CITY AND COASTAL COMMISSION APPROVED FAR

IT IS NOTED THAT THE DEFINITION OF WHAT QUALIFIES AS A "BASEMENT" HAS CHANGED SINCE THE EXISTING BUILDING WAS APPROVED, AND WHAT QUALIFIES AS AN "ENLOSED AREA" HAS ALSO CHANGED SINCE THE EXISTING BUILDING WAS APPROVED. THE ORIGINAL FAR WAS 38.7%. WHEN THE UPPER PARCEL IS MERGED WITH THE LOWER PARCEL, THE PROPOSED MAXIMUM FAR IS 51.8%. I HAVE PROVIDED COPIES OF THE ACTUAL TENANT IMPROVEMENT PLANS FOR EACH FLOOR THAT WERE APPROVED AND STAMPED BY THE CITY AND, ON THE SAME PAGE, COPIES OF THE INTERIOR REMODEL PLANS SO THE PLANS CAN BE COMPARED. THE PLANS ALSO SHOW PRECISE CALCULATIONS FOR THE ENCLOSED AREA OF THE BUILDING. SEE EXHIBITS E-1, E-2 AND E-3.

G. PROPOSED FLOOR AREA OF INTERIOR GARAGE AREA

THE GARAGE INTERIOR IS 148-FEET-LONG AND 65-FEET-WIDE, LESS A 7-FOOT x 21-FOOT AREA AT THE FAR SOUTHEASTERLY CORNER. TOTAL INTERIOR AREA IS 9,473 SF.

F. LOT WIDTH AND LOT DEPTH

1. LOT WIDTH: 175.02'
2. LOT DEPTH: 168.56'

II. NEW HOTEL SITE ON LOWER PARCEL AT 22729 PCH SUMMARY:

APN: 4452-022-010

EXISTING ZONE: CC
PROPOSED ZONE: CV-2

A. LIST OF DISCRETIONARY REQUESTS

1. ALL COMMERCIAL DEVELOPMENTS WITHIN 1,000 FEET OF THE PROPOSED HOTEL PARK CARS IN THE FRONT YARD SETBACK AREA. SEE EXHIBIT #7 IN A SEPARATE BINDER VERIFYING THAT IF A VARIANCE WAS REQUESTED THE REQUIRED FINDINGS COULD EASILY BE MADE. THE HOTEL OVERLAY DISTRICT WILL PERMIT CARS TO BE PARKED IN THE FRONT YARD SETBACK AREA;
2. ORIGINALLY A MINOR MODIFICATION WAS BEING REQUESTED FOR 20% REDUCTION IN THE EASTERLY SIDE YARD SETBACK; HOWEVER, THE COUNTY FIRE DEPARTMENT IS REQUIRING PEDESTRIAN EXIT STAIRS TO BE PLACED IN THE SIDE YARD, WHICH EXCEEDS 3-FEET IN HEIGHT IN SOME AREAS. AS A RESULT OF THE REFERENCED STAIRS AND THE EXISTING PERMITTED BUILDING ON THE UPPER PARCEL, THE HOTEL OVERLAY DISTRICT WILL PERMIT STRUCTURES IN THE EASTERLY SIDEYARD SETBACK AREA. SEE EXHIBIT #6 IN SEPARATE BINDER. WHEN PARCEL A IS MERGED WITH PARCEL B THEN THE MERGED PARCEL WILL BE 25 FEET WIDER AND THE PROPOSED EAST SIDEYARD SETBACK OF 12.0 FEET WILL NOT MEET THE CITY'S SIDE YARD SETBACK STANDARDS; HOWEVER, A COMPREHENSIVE ANALYSIS OF ALL OF THE COMMERCIAL BUILDINGS WITHIN 1,000 FEET OF THE PROPOSED HOTEL SITE VERIFY THAT 86% OF BUILDINGS HAVE A "0" SIDE YARD SETBACK ON ONE OR BOTH SIDES OF THE PARCEL THAT THEY WERE CONSTRUCTED ON;
3. AFTER THE PARCELS ARE MERGED THE BACKYARD SETBACK IS ENTIRELY AT THE BACK, OR NORTH, OF PARCEL B, THE UPPER PARCEL. THE DEPTH OF THE MERGED LOTS IS 290.93 FEET. 15% X 290.93 = 43.6'. THE SETBACK IS 48.6. AN EXCEPTION THAT WILL ALLOW THE EXISTING RETAINING WALLS TO REMAIN IS REFERENCED IN THE SEA VIEW HOTEL OVERLAY DISTRICT. THE REFERENCED RETAINING WALLS WERE FULLY APPROVED BY THE CITY;
4. THE ACCESS DRIVE TO THE EXISTING BUILDING ON THE UPPER PARCEL IS SUPPORTED BY A RETAINING WALL AND THE DRIVE HAS GUARDRAILS HIGHER THAN 3 FEET ABOVE THE GROUND. THE PROPOSED HOTEL OVERLAY DISTRICT WILL PERMIT THE REFERENCED STRUCTURES TO REMAIN IN THE WESTERLY SIDEYARD SETBACK AREA. THE RETAINING WALLS AND GUARDRAILS WERE APPROVED BY THE CITY;
5. THE CONCRETE GUNITED SLOPE ABOVE THE 10± FOOT-HIGH RETAINING WALL ACROSS THE NORTHERLY AREA OF THE LOWER PARCEL IS STEEPER THAN 40% AND TO BUILD ON THIS AREA WOULD NORMALLY REQUIRE A VARIANCE; HOWEVER, THE PROPOSED HOTEL OVERLAY DISTRICT WILL PERMIT THE SLOPE TO BE MODIFIED TO ALLOW FOR THE HOTEL TO BE "NOTCHED" INTO THE HILLSIDE. IT IS NOTED THAT THE RETAINING WALL THAT SUPPORTS THE GUNITED SLOPE WAS CONSTRUCTED OVER 60 YEARS AGO AND CANNOT MEET TODAY'S SAFETY STANDARDS, SO IT WILL HAVE TO BE REPLACED.
6. PORTIONS OF THE HOTEL TO BE CONSTRUCTED ON THE LOWER PARCEL ARE HIGHER THAN 18 FEET BUT DO NOT EXCEED 28-FEET IN HEIGHT AND WILL REQUIRE A SITE PLAN REVIEW; HOWEVER, NO SITE PLAN REVIEW WILL BE REQUIRED FOR THE EXISTING BUILDING ON THE UPPER PARCEL. SEE THE EXPLANATION IN EXHIBIT #10 IN A SEPARATE BINDER.
7. THE APPLICANT BELIEVES THAT THE PROPOSED DEVELOPMENT ON THE LOWER PARCEL IS CONSISTENT WITH THE INTENT OF THE COMMERCIAL STANDARD REQUIRING THAT AREAS EQUAL TO 40% OF THE PARCEL SIZE BE LANDSCAPED; HOWEVER, IT CAN BE ARGUED THAT THE PROJECT DOES NOT FULFILL THE STRICT LITERAL INTERPRETATION OF THE GENERAL COMMERCIAL DEVELOPMENT STANDARDS. SEE EXHIBIT #11 FOR AN EXPLANATION IN A SEPARATE BINDER; ALL OF THE FINDINGS REQUIRED TO APPROVE A VARIANCE CAN EASILY BE MADE. ADDITIONALLY, THE EXISTING DEVELOPMENT OF THE UPPER PARCEL IS INCONSISTENT WITH THIS STANDARD; HOWEVER, THIS INCONSISTENCY WAS FULLY PERMITTED BY THE CITY. THE HOTEL OVERLAY DISTRICT WILL ALLOW THE REFERENCED INCONSISTENCIES TO THE GENERAL COMMERCIAL DEVELOPMENT STANDARD.
8. THE APPLICANT BELIEVES THAT THE PROPOSED DEVELOPMENT ON THE LOWER PARCEL IS CONSISTENT WITH THE INTENT OF THE GENERAL COMMERCIAL STANDARD REQUIRING THAT AREAS EQUAL TO 25% OF THE PARCEL BE DEVELOPED AS OPEN SPACE; HOWEVER, IT CAN BE ARGUED THAT THE PROJECT DOES NOT FULFILL THE STRICT LITERAL INTERPRETATION OF GENERAL COMMERCIAL DEVELOPMENT STANDARDS. SEE EXHIBIT #12 FOR AN EXPLANATION IN A SEPARATE BINDER. A REVIEW OF ALL OF THE 15 COMMERCIAL BUILDINGS WITHIN 1,000 FEET OF THE PROPOSED HOTEL SITE VERIFIES THAT THE FINDINGS REQUIRED TO SUPPORT A VARIANCE CAN BE EASILY MADE. ADDITIONALLY, ALTHOUGH THE EXISTING BUILDING ON THE UPPER PARCEL HAS OVER 15,000 SQUARE-FEET OF PATIOS AND PATIOS ARE DEFINED AS "OPEN SPACE" IT CAN BE ARGUED THAT THE EXISTING AND CITY PERMITTED DEVELOPMENT IS INCONSISTENT WITH THE STRICT LITERAL INTERPRETATION OF THE GENERAL COMMERCIAL DEVELOPMENT STANDARDS. THE HOTEL OVERLAY DISTRICT WILL ALLOW THE REFERENCED INCONSISTENCIES TO THE GENERAL COMMERCIAL DEVELOPMENT STANDARDS.
9. ZONE CHANGE FROM CC TO CV-2 IN A SEPARATE BINDER. (SEE EXHIBIT #1)

B. GROSS AND NET LOT AREA

GROSS LOT AREA: 18,283 SF
NET LOT AREA: 18,283 SF

C. REQUIRED AND PROPOSED SETBACKS

FRONT YARD: 20% OF DEPTH (291.42')
REQUIRED: 58.28'
PROPOSED: 46.65'
REAR YARD: 15% X 290.93'
REQUIRED: 43.6'
PROPOSED: 48.6'
WEST SIDE YARD: 15% x 175.0'
REQUIRED: 26.25'
PROPOSED: 26.5'
EAST SIDE YARD: 10% x175.0'
REQUIRED: 17.5'
PROPOSED: 12.0'

D. PROPOSED AND EXISTING STRUCTURAL HEIGHTS

1. PROPOSED NEW BUILDING: 28' WITH A 25% SLOPING ROOF AND 24 FEET WITH A FLAT ROOF, ABOVE THE EXISTING OR FINISHED GRADE, WHICHEVER IS LOWER;
2. THE HEIGHT OF AN EXISTING RETAINING WALL: THE WALL EXTENDS UP 16 FEET ABOVE THE EXISTING GROUND, ALTHOUGH IT ONLY RETAINS 10.4± FEET. THE EXISTING WALL WILL BE DEMOLISHED;
3. THE GAS STATION CANOPIES ARE 20± FEET HIGH AND THE ONE CLOSEST TO PCH HAS A ZERO FRONT YARD SETBACK. THE CANOPIES WILL BE DEMOLISHED AND REMOVED.

E. PROPOSED GROSS FLOOR AREA

THE GROSS FLOOR AREA ON THE LOWER PARCEL IS 9,982.3 SF.

F. PROPOSED FLOOR AREA OF INTERIOR GARAGE AREA

THERE IS NO INTERIOR GARAGE ON THE LOWER PARCEL; THE ENTIRE PARKING AREA IS NOT ENCLOSED.

G. LOT WIDTH AND LOT DEPTH FOR THE LOWER PARCEL

1. LOT DEPTH: 122.37'
2. LOT WIDTH: 150.0'

SEPARATE CALCULATIONS FOR THE REQUIRED AND PROPOSED PARKING SPACES

THE HOTEL WILL HAVE 39 ROOMS AND WILL BE OPERATED AS A SINGLE-FUNCTIONING HOTEL ON TWO ADJACENT PARCELS THAT WILL BE MERGED TO FORM ONE PARCEL AS A CONDITION OF THE HOTEL APPROVAL.

1. UPPER PARCEL: 22741 PCH

A. REQUIRED PARKING:
1. 22 ROOMS x 2 SPACES = 44 SPACES
2. VALET PARKING PERSONNEL WILL CARPOOL = 1 SPACE
3. ROOFTOP DECK, WET BAR = 1 SPACE
4. MAIDS THAT CLEAN THE ROOMS AND CHANGE THE TOWELS, SHEETS, ETC. WILL ARRIVE AFTER CHECK-OUT TIME, 10:00 AM, AND WILL LEAVE BEFORE CHECK-IN TIME 1.00 PM. THERE WILL BE MANY UNUSED PARKING SPACES DURING THE 3 HOUR PERIOD = 0 SPACES

REQUIRED SPACES = 46

B. AVAILABLE SPACES (ALL VALET AND ONSITE) = 60 SPACES

2. LOWER PARCEL: 22729 PCH

A. REQUIRED PARKING:
1. 17 ROOMS = 34 SPACES
2. HOTEL MANAGER = 1 SPACE
3. SEA CAVE CAFE. GROSS SERVING AREA (THE 5'-WIDE ADA ACCESS IS INCLUDED IN THIS 887.75 SF) = 9 SPACES
4. BARTENDER = 1 SPACE
5. THE CHEF = 1 SPACE
6. THE WAITRESSES / WAITERS WILL CARPOOL IN A VAN = 1 SPACE
TOTAL = 47 SPACES

B. AVAILABLE SPACES = 31 SPACES

3. SUMMARY OF PARKING FOR THE 39-ROOM HOTEL AND RESTAURANT

REQUIRED PARKING SPACES = 93
AVAILABLE PARKING SPACES = 91

4. IT IS NOTED THAT THE SEA VIEW CAFE WILL BE OPEN TO THE PUBLIC AND THE HOTEL GUESTS, SO THE "GROSS SERVING AREA" WILL REQUIRE ONE PARKING SPACE PER 100 SF.

5. THE ELEVATORS WILL ALL REQUIRE ROOM KEYS TO OPERATE, AND THE ROOFTOP DECK AND POOL AREA WILL ONLY BE OPEN TO HOTEL GUESTS. IT WILL NOT BE OPEN TO THE PUBLIC. ALL PURCHASES WILL REQUIRE A ROOM KEY. BECAUSE EACH HOTEL GUEST HAS HAD THEIR TWO CARS PER ROOM PARKED, NO ADDITIONAL PARKING PLACES ARE REQUIRED.

MALIBU SEA VIEW HOTEL

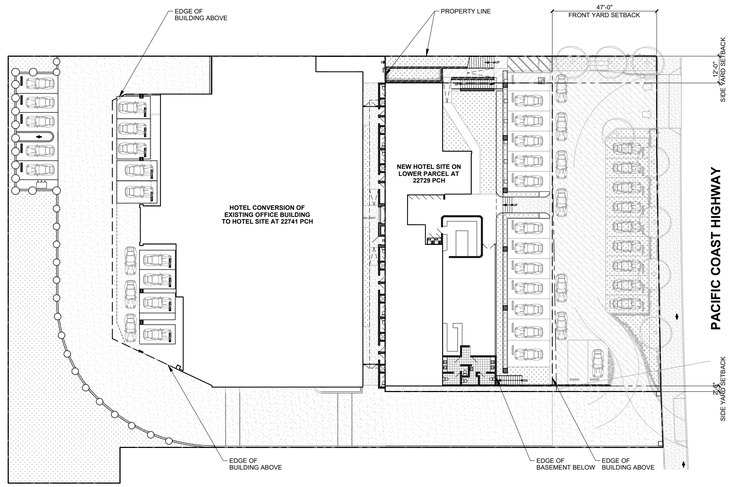
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PERSPECTIVE VIEW



AERIAL PHOTO





1 AREA DIAGRAM
1/32" = 1'-0"

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ATTACHMENT 2

Blue Onyx Design & Engineering, Inc.
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310-456-5515

MALIBU SEA VIEW HOTEL
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ISSUANCE:

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INDEX COMPOSITE SITE PLAN

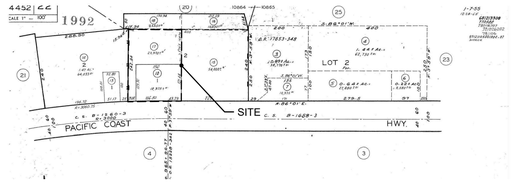
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A0.01 COVER SHEET - CONTINUATION
A0.02 DIAGRAMS SHEET

A1.00 SITE PLAN - COMBINED PROJECT
A1.10 NEW HOTEL - NEW BUILDING - BASEMENT LEVEL
A1.11 NEW HOTEL - NEW BUILDING - FIRST LEVEL
A1.12 NEW HOTEL - NEW BUILDING - SECOND LEVEL
A1.13 NEW HOTEL - NEW BUILDING - THIRD LEVEL
A1.14 EXISTING BUILDING - FIRST LEVEL INTERNAL REMODEL - ALL EXTERIOR WALLS ARE PERMITTED AND EXISTING
A1.15 EXISTING BUILDING - SECOND LEVEL INTERNAL REMODEL - ALL EXTERIOR WALLS ARE PERMITTED AND EXISTING
A1.16 EXISTING BUILDING - THIRD LEVEL INTERNAL REMODEL - ALL EXTERIOR WALLS ARE PERMITTED AND EXISTING
A1.17 EXISTING BUILDING - ROOF TOP TERRACE LEVEL - ALL EXTERIOR WALLS ARE PERMITTED AND EXISTING
A2.10 ELEVATIONS
A2.11 ELEVATIONS
A2.12 ELEVATIONS
A2.13 ELEVATIONS
A3.10 SECTIONS A-A'
A3.11 SECTIONS B-B'

EXHIBITS

A	SLOPE ANALYSIS PLAN
B	SURVEY OF DEVELOPMENT AT 22741 PCH
C	SURVEY OF PARCEL AT 22729 PCH
D-1 THROUGH D-4	TOTAL LENGTH OF EXTERIOR WALLS, 22741 PCH TOTAL EXISTING ENCLOSED AREAS, 22741 PCH
E-1 THROUGH E-3	COMPARISON OF ORIGINAL CITY RED-STAMPED TENANT IMPROVEMENT PLANS VS PROPOSED HOTEL REMODEL (ENCLOSED AREAS ARE SHOWN) E-1 = FIRST LEVEL, E-2 = SECOND LEVEL, E=3 = THIRD LEVEL
F-1	AERIAL PHOTOGRAPH SHOWING ALL BUILDINGS WITHIN 1,000 FEET OF PROPOSED HOTEL. (SIDE YARD SETBACKS AND PARKING IN FRONT YARD SETBACK AREAS ARE SHOWN)
P-1	PARKING PLAN SHOWING ALL HOTEL PARKING; TOTAL PARKING SPACES = 91, TOTAL REQUIRED PARKING SPACES = 93
L-1 THROUGH L-3	LANDSCAPING PLANS

VICINITY MAP



HOTEL CONVERSION OF EXISTING OFFICE BUILDING TO HOTEL SITE SUMMARY

EXISTING BUILDING (LESS THAN 5% OF EXISTING EXTERIOR WALL WILL BE REMOVED FOR DOOR AND WINDOWS)
EXISTING ZONE: CC
PROPOSED ZONE: CV-2
ASSESORS NO.: 4452-022-017

PROJECT SCOPE OF WORK: 22 ROOMS WITHIN EXISTING BUILDING WALLS

-	1ST LEVEL ABOVE GARAGE:	10 ROOMS AND BATHROOMS	(ELEV. 58.30'	AREA: 6,707.72 SF)
-	2ND LEVEL ABOVE GARAGE:	6 ROOMS	(ELEV. 70.70'	AREA: 3,103.13 SF)
-	3RD LEVEL ABOVE GARAGE:	6 ROOMS	(ELEV. 82.70'	AREA: 3,077.9 SF)

TOTAL AREA APPROVED BASED ON DEVELOPMENT STANDARDS WHEN APPROVED 12,888.75 SF

-	ROOFTOP DECK:	POOL, GRILL, WETBAR:	(ELEV. 97.70'	AREA: 4,506 SF)

FOUR EMPLOYEE RESTROOMS WITHIN EXISTING WALLS. TERRACE AND BALCONIES FOR EACH ROOM ARE PART OF THE EXISTING BUILDING. TWO NEW ACCESS AND EXIT BALCONY WALKWAYS WILL BE ADDED TO THE REAR OF BUILDING.

EXISTING FOUR EMPLOYEE RESTROOMS WITHIN EXISTING WALLS WILL BE CONVERTED TO MAID'S SERVICE ROOM. EXISTING AREAS THAT ARE MORE THAN 60% ENCLOSED, DAYLIGHTING BASEMENTS, BREEZEWAYS, ETC. THAT WERE APPROVED AND CONSTRUCTED BUT NOT COUNTED AS FLOOR AREA HOWEVER UNDER CURRENT STANDARDS THEY ARE COUNTED = 2,491.63 SQUARE FEET.

ADDITIONAL CONSTRUCTION:

THE SEVEN FEET OF THE MOST SOUTHERLY 10 FEET OF PARCEL "B" WILL PROVIDE ACCESS TO THE GUEST ROOMS ON THE UPPER FLOOR ON PARCEL "A". THE ROOF ON THE UPPER FLOOR OF PARCEL "A" WILL BE EXTENDED 4 FEET SO GUEST WILL NOT GET RAINED. I DON'T BELIEVE COVERING ONLY 4 FEET OF THE 7 FEET WIDE WALK SHOULD QUALIFY THE ENTIRE 7 FEET WALK QUALIFIES THE ENTIRE 10 FEET WALK AS BEING ENCLOSED. HOWEVER, TO BE CONSERVATIVE, IT HAS BEEN TREATED AS ENCLOSED = 797.4 SF

NEW HOTEL SITE ON LOWER PARCEL SUMMARY

EXISTING ZONE: CC
PROPOSED ZONE: CV2
ASSESSORS NO.: 4452-022-010

SITE AREA: 18,283 SF

REQUIRED LANDSCAPE AREA:	40% = 7,408.2 SF
PROVIDED LANDSCAPE AREA:	37.24% = 6,810.14 SF
REQUIRED OPEN SPACE AREA:	25% = 4,571 SF
PROVIDED OPEN SPACE AREA:	35.65% = 6,517.8 SF
REQUIRED TOTAL LANDSCAPE & OPEN SPACE AREA:	65% = 11,884 SF
PROVIDED TOTAL LANDSCAPE & OPEN SPACE AREA:	72.89% = 13,926 SF

→ 18.85% GREEN ROOF NOT COUNTED AS PART OF THE 37.24% LANDSCAPED LOT AREA

NEW BUILDING TOTAL AREA:

-	BASEMENT =	3,476 SF - EXEMPT
-	FIRST LEVEL RECEPTION, EL. 21.50' =	203.54 SF
-	FIRST LEVEL KITCHEN AREA =	307.7 SF
-	FIRST LEVEL BARTENDER AREA =	121.0 SF
-	FIRST LEVEL BATHROOMS AREA =	321.86 SF
-	FIRST LEVEL CAFE SERVING AREA =	889.5 SF
-	FIRST LEVEL CAFE ENTRY HALL =	34.7 SF
-	FIRST LEVEL ELEVATOR =	35.75
-	SECOND LEVEL, 9 ROOMS =	4,913.00 SF
-	THIRD LEVEL, 8 ROOMS =	3,561.50 SF

→ THE ENCLOSED AREA EXTENDS 3.0' NORTH INTO THE NORTHERLY PARCEL = 406.26 SF

TOTAL =	10,388.55 SF
TOTAL - NON-EXEMPT	10,388.55 SF
15% X PARCEL "A" AREA	2,742.0 SF
TOTAL AREA IN EXCESS OF 15% OF PARCEL "A"	7,646.55 SF

PARKING SUMMARY

A. HOTEL AVAILABLE PARKING AREA; ALL CARS WILL BE PARKED BY VALET PERSONNEL
   1. THE EXISTING BUILDING HAS 5-SINGLE STANDARD SPACES AT THE FAR NORTHEASTERLY SECTION OF THE LOT BEHIND THE EXISTING BUILDING WHERE THEY ARE NOT VISIBLE TO THE GENERAL PUBLIC. 5-SINGLE CAR MECHANICAL LIFTS WILL PROVIDE 5 ADDITIONAL PARKING SPACES FOR A TOTAL VALET PARKING SPACES = 10
   2. ADDITIONAL PARKING SPACES BEHIND THE EXISTING UPPER BUILDING = 12
   3. EXISTING UPPER BUILDING'S GARAGE = 38
   4. LOWER PARKING AREA = 31

B. TOTAL AVAILABLE PARKING SPACES = 91
   17 OF THE 91 SPACES ARE COMPACT SPACES = 18.7%

C. REQUIRED PARKING SPACES
   1. 2 CAR PER ROOM X 39 ROOMS = 78
   2. SEA VIEW CAFE
      889.5 SF OF GROSS SERVING AREA REQUIRES ONE PARKING PLACE PER 100 SF = 9
   3. CHEF AND SOUS CHEF WILL BE REQUIRED TO ARRIVE IN ONE CAR = 1
   4. BARTENDER = 1
   5. THE WAITERS WILL LIKELY NOT LIVE IN MALIBU, SO THEY WILL DRIVE TO ONE OF THE CARPOOL PARKING LOTS NEXT TO THE VENTURA OR SANTA MONICA FREEWAYS AND ARRIVE IN A VAN = 1
   6. THE ROOFTOP DECK GRILLMASTER AND WET-BARTENDER WILL BE ONE PERSON = 1
   7. THE VALET PARKING PERSONNEL WILL ARRIVE IN ONE CAR = 1
   8. THE MAIDS WILL ARRIVE AT THE HOTEL AFTER CHECK-OUT TIME, 10:00 AM, AND LEAVE BEFORE CHECK-IN TIME, 1.00 PM; SO THERE WILL BE SUBSTANTIAL PARKING PLACES AVAILABLE. ADDITIONALLY, THE MAIDS WILL ALL BE FROM THE SAME COMPANY AND WILL LIKELY ALL ARRIVE IN ONE VAN = 0
   9. HOTEL MANAGER = 1

TOTAL REQUIRED PARKING PLACES = 93
TOTAL AVAILABLE ONSITE PARKING PLACES = 91

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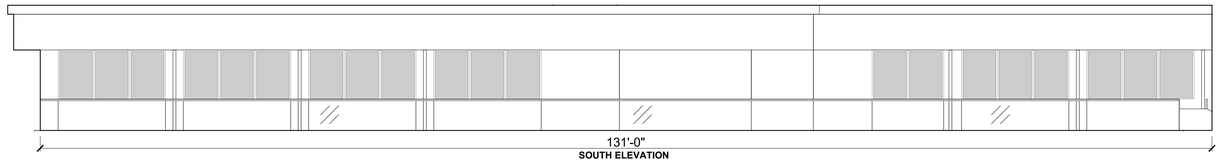
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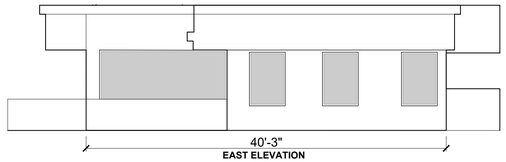
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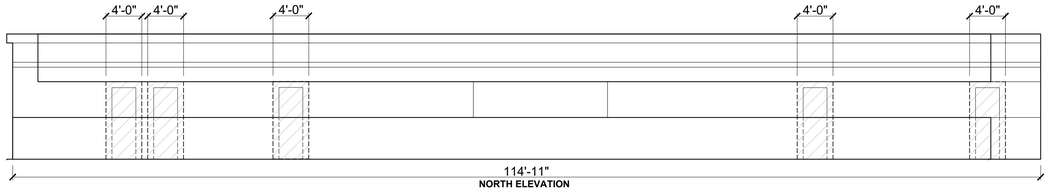
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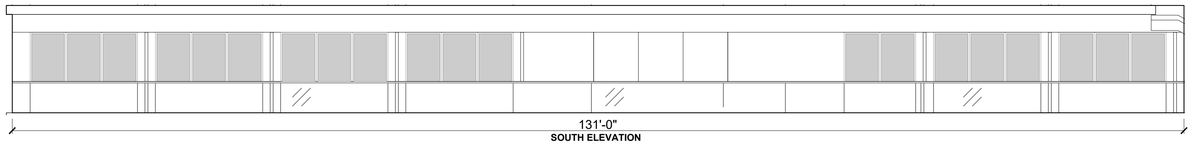


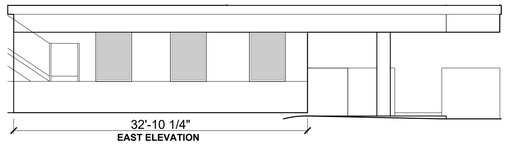


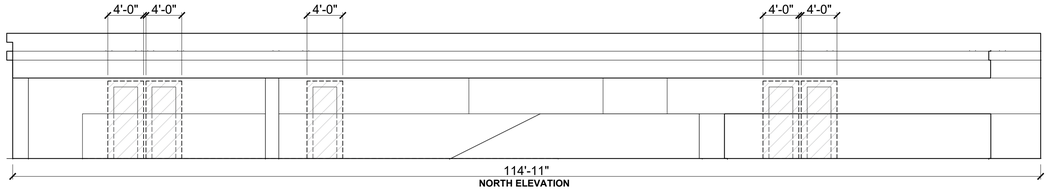




EXISTING BUILDING FOURTH LEVEL ELEVATIONS

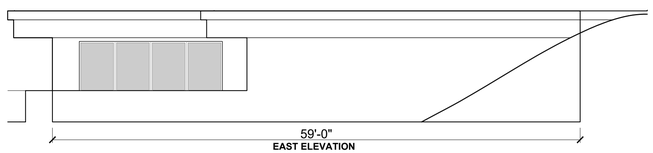


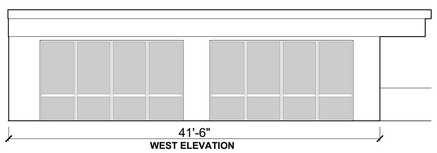


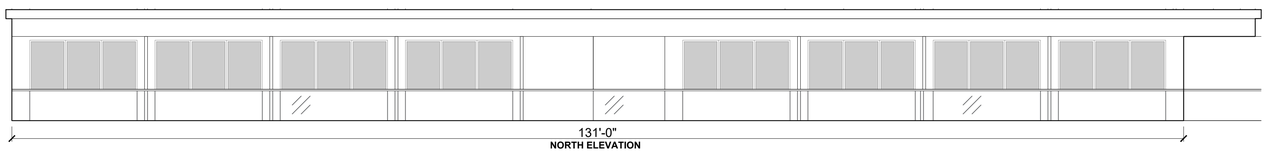




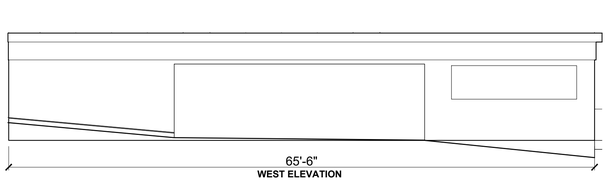
EXISTING BUILDING THIRD LEVEL ELEVATIONS

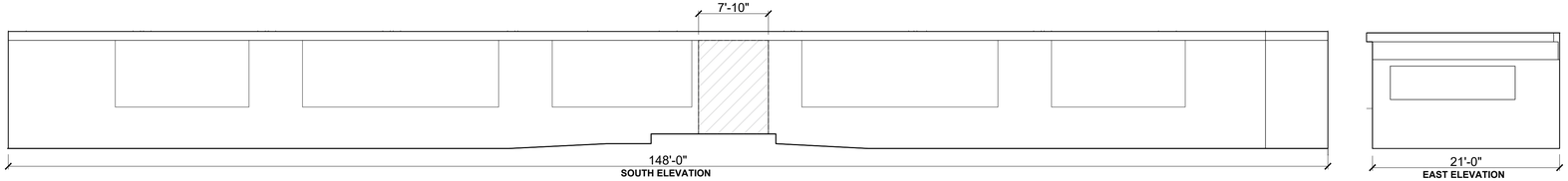






EXISTING BUILDING SECOND LEVEL ELEVATIONS





EXISTING BUILDING FIRST LEVEL ELEVATIONS

HATCH LEGEND

DEMO

OPENING LENGTH COUNT

	TOTAL LENGTH (FT)	NEW OPENINGS (FT)	PERCENTAGE
FIRST FLOOR	234.50	7.83	3.34%
SECOND FLOOR	231.50	0.00	0.00%
THIRD FLOOR	352.25	20.00	5.68%
FOURTH FLOOR	332.65	20.00	6.01%
TOTAL	1150.90	47.83	**4.16%**

1 NEW OPENINGS DIAGRAM
1/8" = 1'-0"

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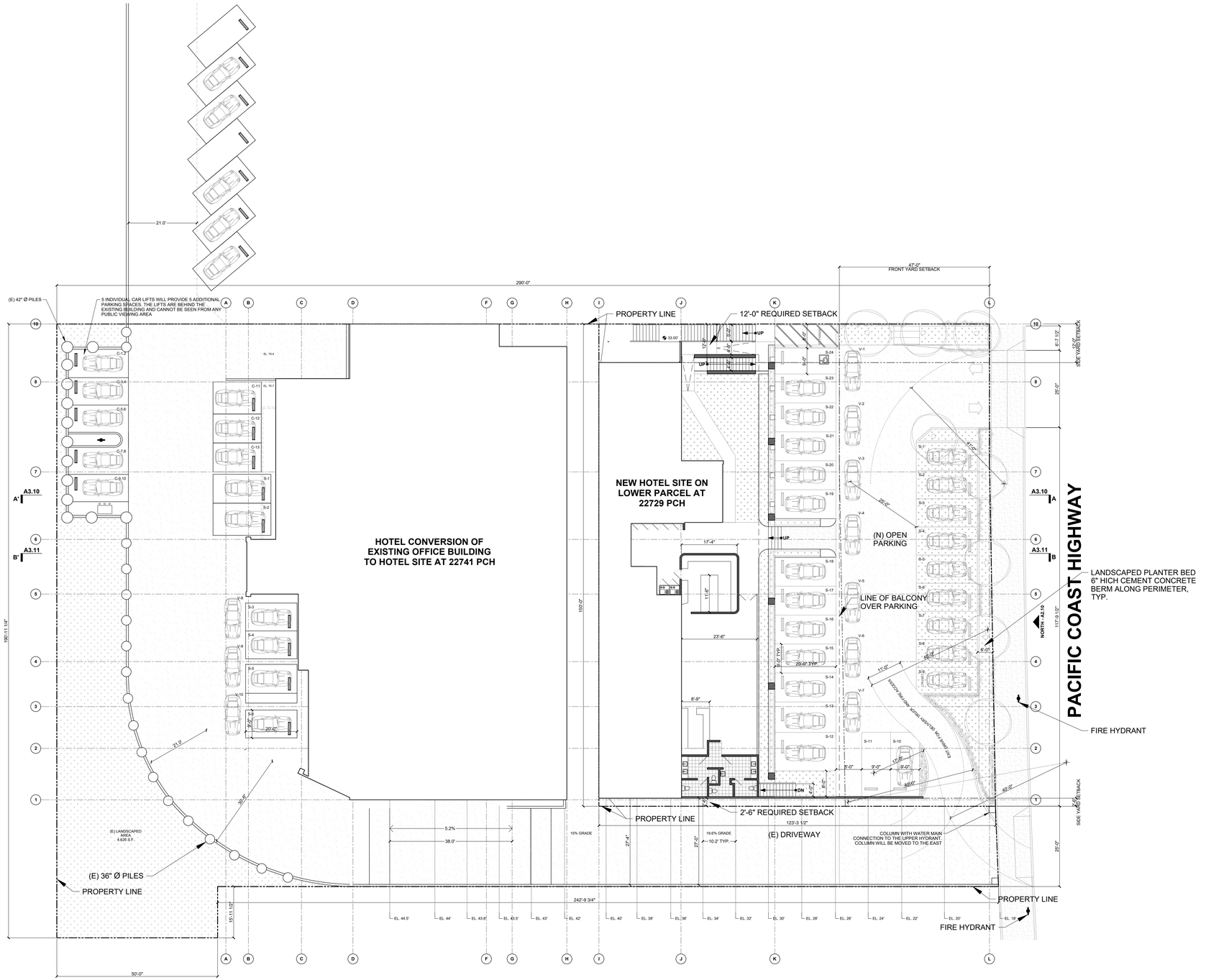
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DIAGRAMS

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1 **SITE PLAN**
1/16" = 1'-0"

HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

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MALIBU SEA VIEW HOTEL

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MALIBU, CA 90265

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DATE	DESCRIPTION	NO
03/04/17	SCHEMATIC DESIGN	
03/25/17	SCHEMATIC DESIGN	
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04/14/17	SCHEMATIC DESIGN	
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SITE PLAN

A1.00

6/30/2020 8:43 AM



HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

1 NEW BUILDING BASEMENT LEVEL
1/8" = 1'-0"

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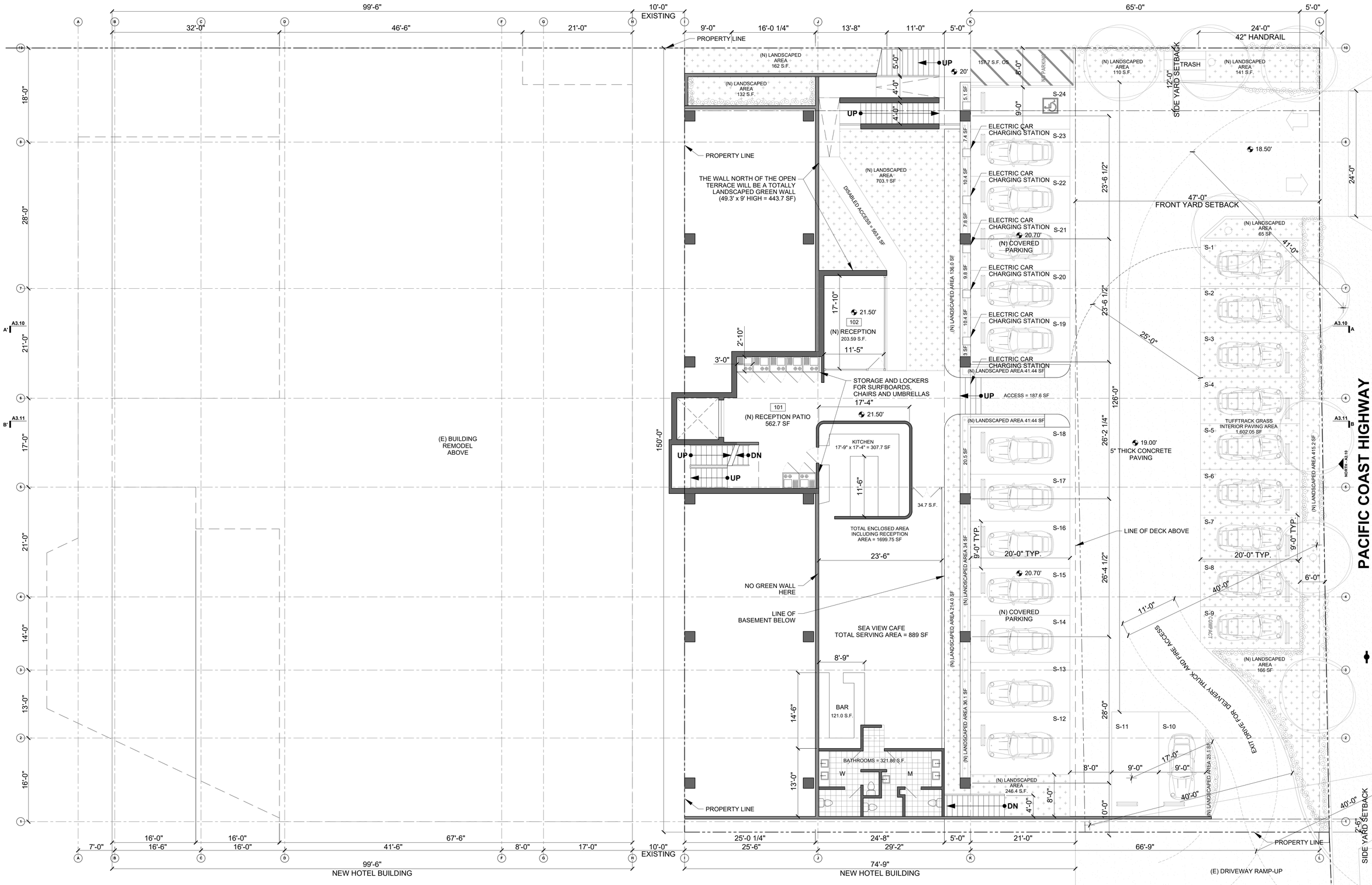
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NEW HOTEL
NEW BUILDING
BASEMENT LEVEL

A1.10

6/12/2019 9:42 AM



HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

ELEVATOR NOTES

ELEVATOR STOPS AT:	ELEVATION:
- BASEMENT:	10.0'
- TERRACE:	21.50'
- FIRST FLOOR:	33.0'
- SECOND FLOOR:	44.80' & 46.30'
- EXISTING REMODEL:	58.30'

AREAS

RECEPTION	203.54 SF
BATHROOMS	321.86 SF
BAR AREA	121.00 SF
SERVING AREA	889.5 SF
KITCHEN	307.7 SF
ENTRY AREA	34.7 SF
ELEVATOR	35.75 SF
TOTAL GROUND FLOOR ENCLOSED AREA	**1,914.10 SF**

1 NEW BUILDING FIRST LEVEL
1/8" = 1'-0"

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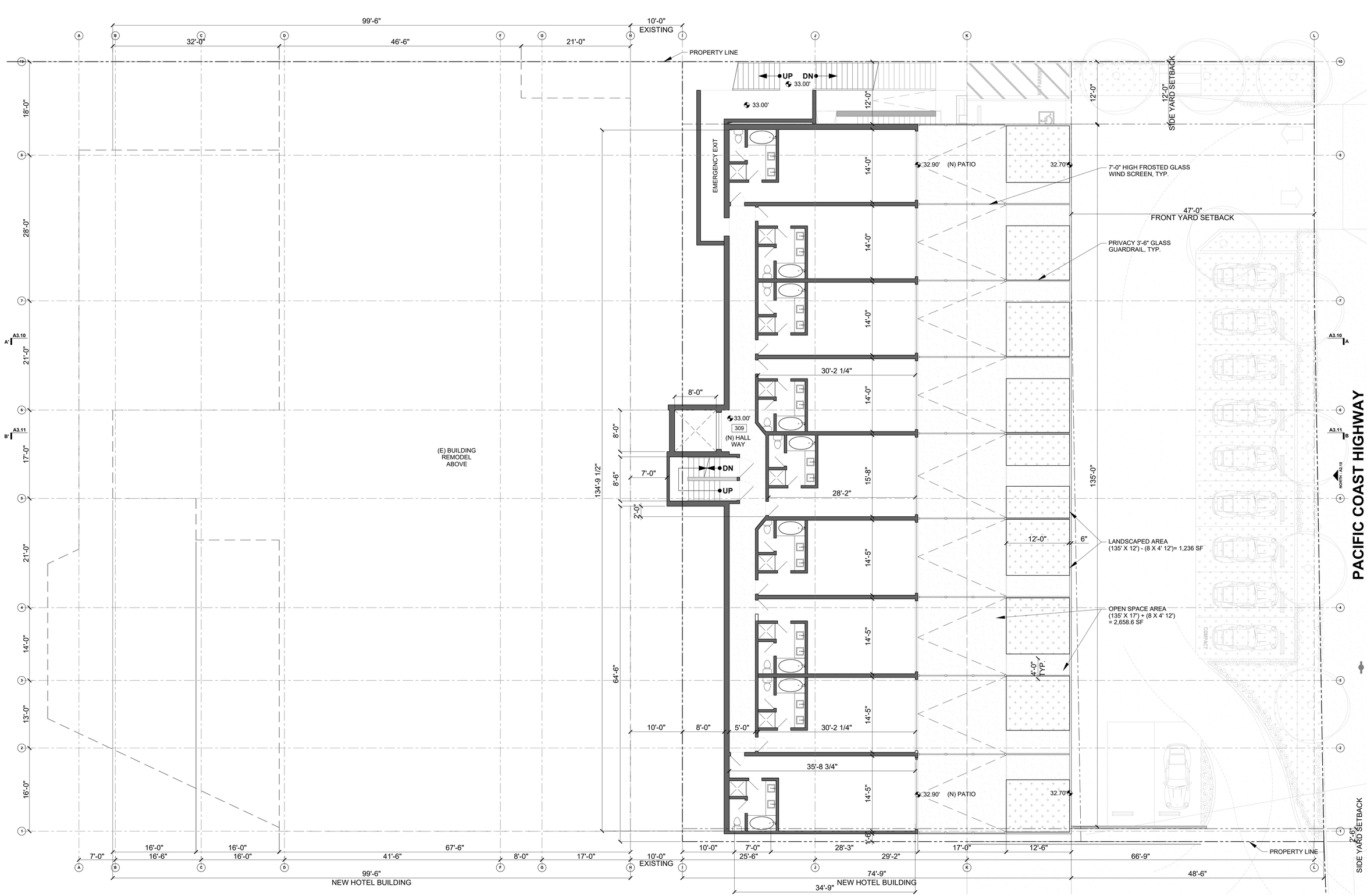
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NEW HOTEL
NEW BUILDING
FIRST LEVEL

A1.11

6/16/2020 11:52 PM



HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

AREAS

TOTAL SECOND LEVEL ENCLOSED AREA **4,913.0 SF**

1 NEW BUILDING SECOND LEVEL
1/8" = 1'-0"

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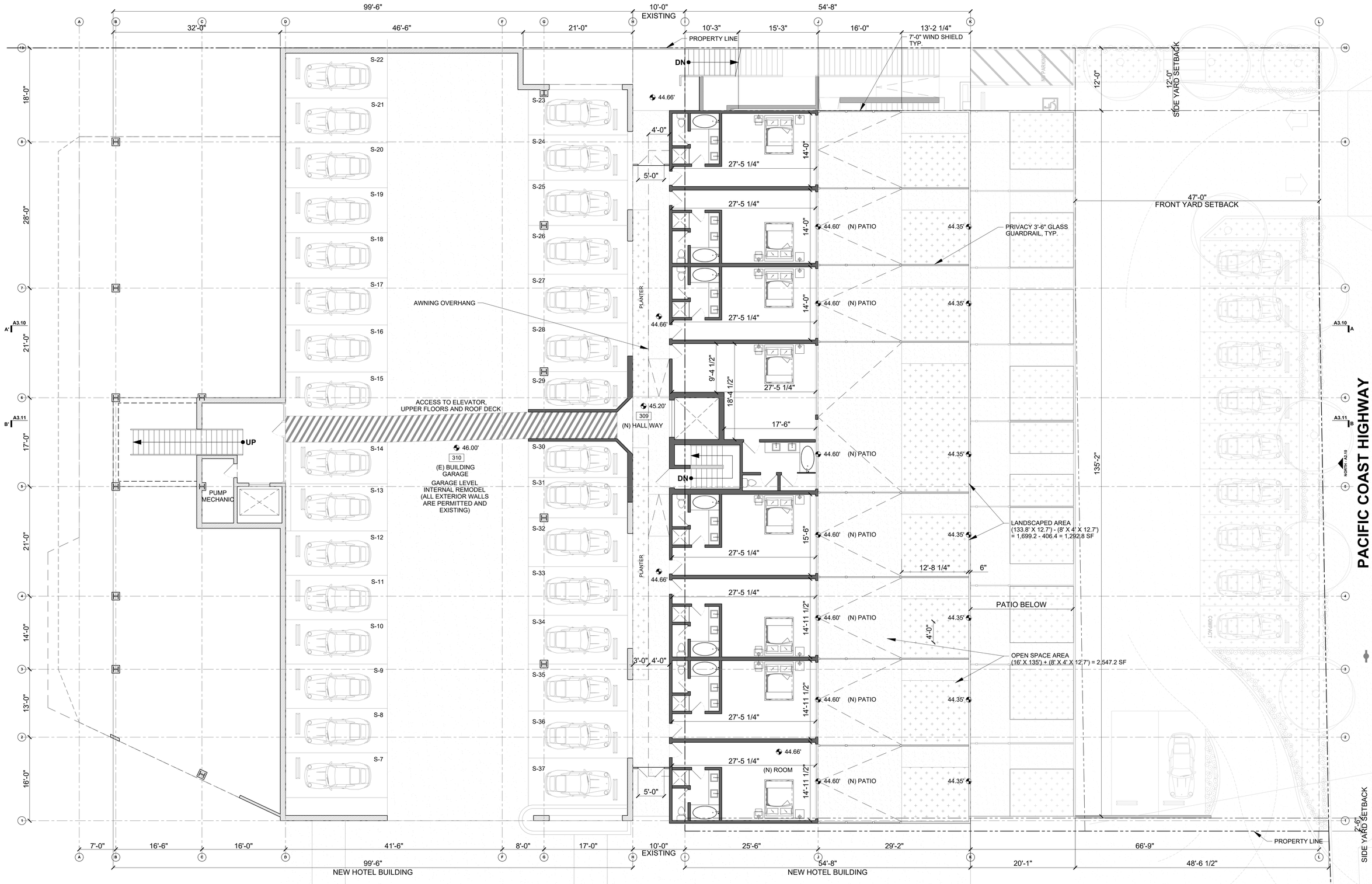
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NEW HOTEL
NEW BUILDING
SECOND LEVEL

A1.12

6/16/2020 10:02 PM



HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

AREAS

TOTAL THIRD LEVEL ENCLOSED AREA **3,561.5 SF (NOT INCLUDING 7' GARDEN WALK)**

1 NEW BUILDING THIRD LEVEL

1/8" = 1'-0"

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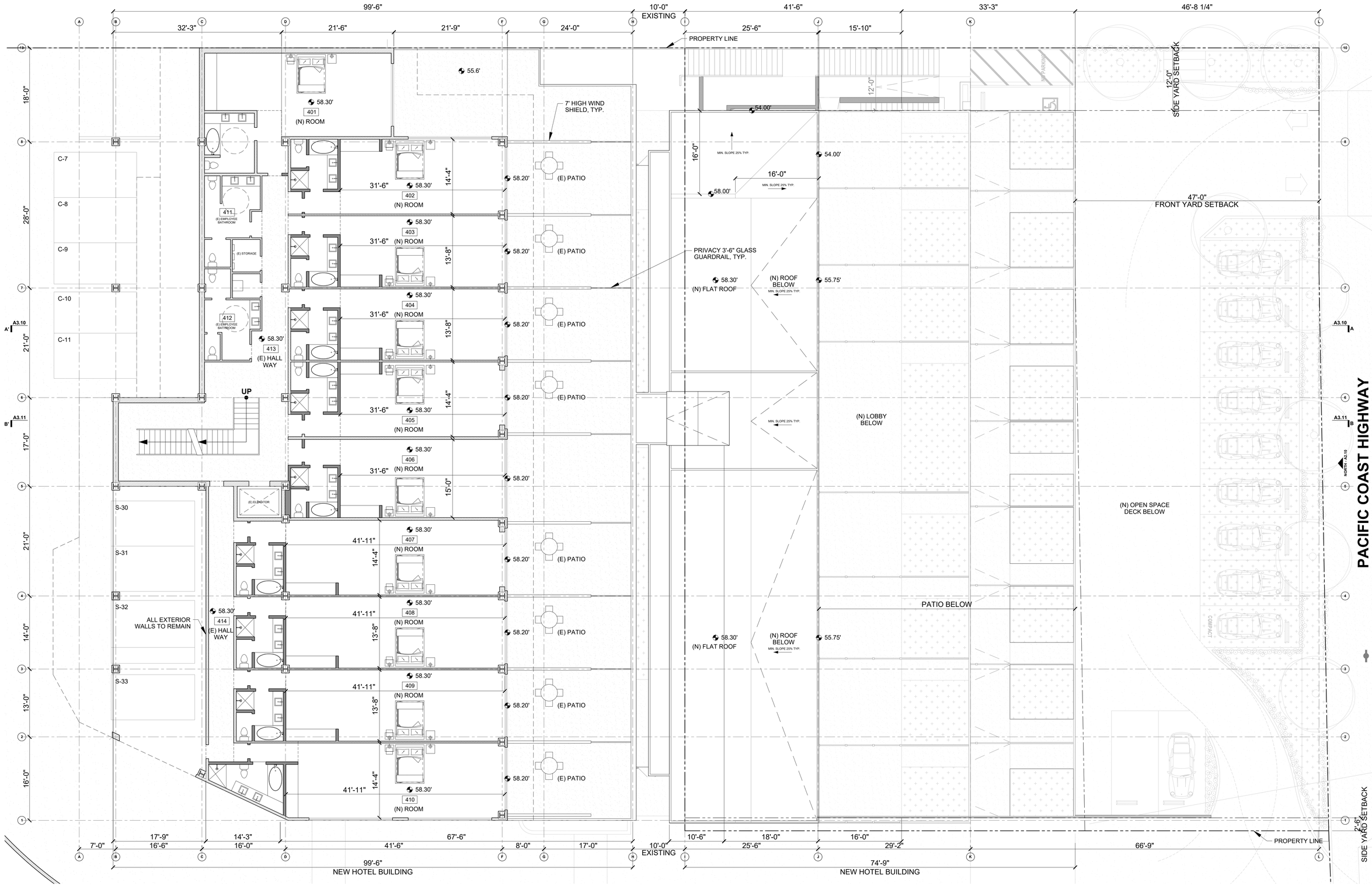
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NEW HOTEL
NEW BUILDING
THIRD LEVEL

A1.13

6/30/2020 8:43 AM



HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

1 EXISTING BUILDING FIRST LEVEL
1/8" = 1'-0"

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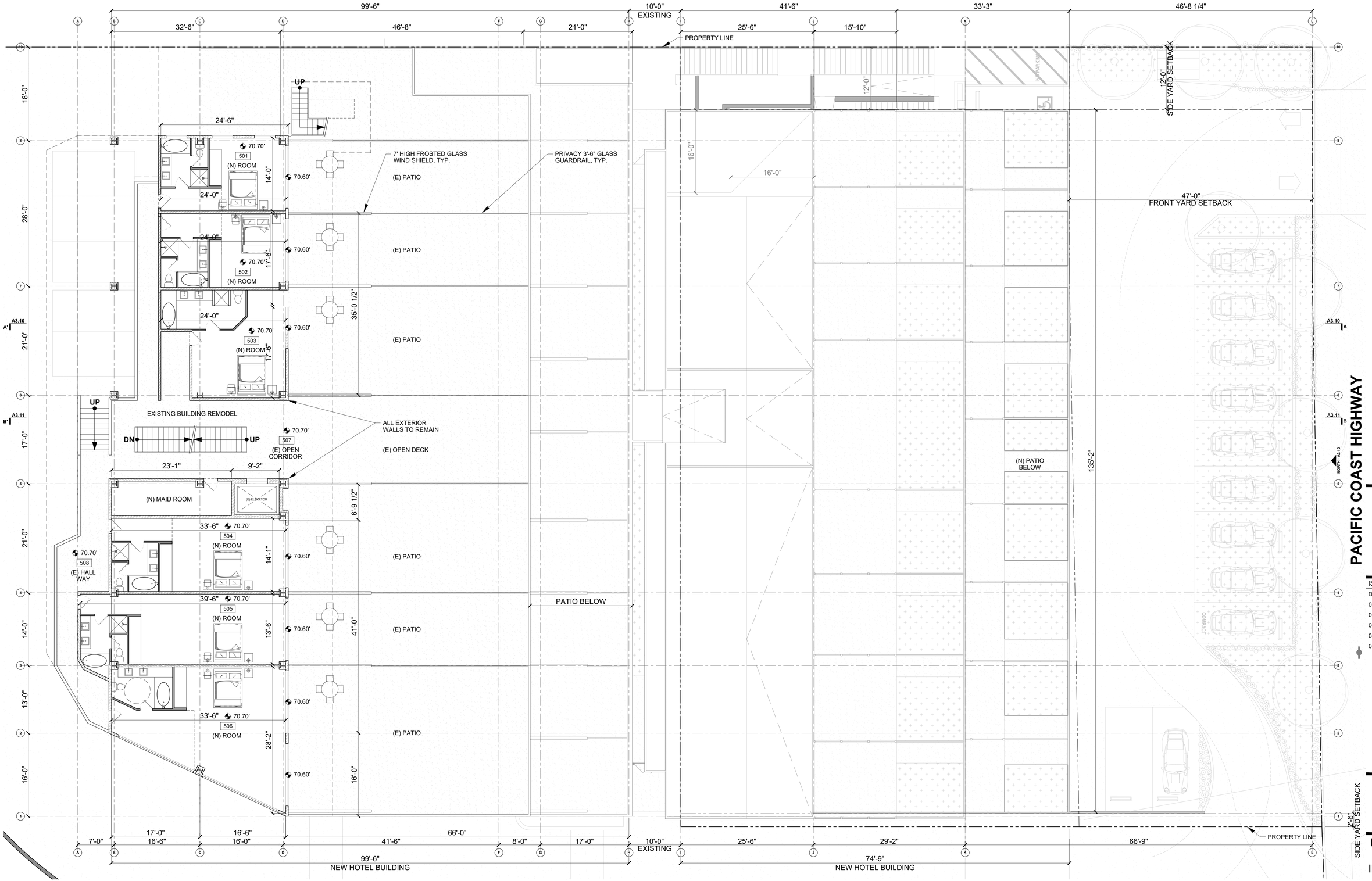
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EXISTING BUILDING FIRST LEVEL INTERIOR REMODEL
(ALL EXTERIOR WALLS ARE PERMITTED AND EXISTING)

A1.14

6/18/2020 12:29 AM



HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

1 EXISTING BUILDING SECOND LEVEL
1/8" = 1'-0"

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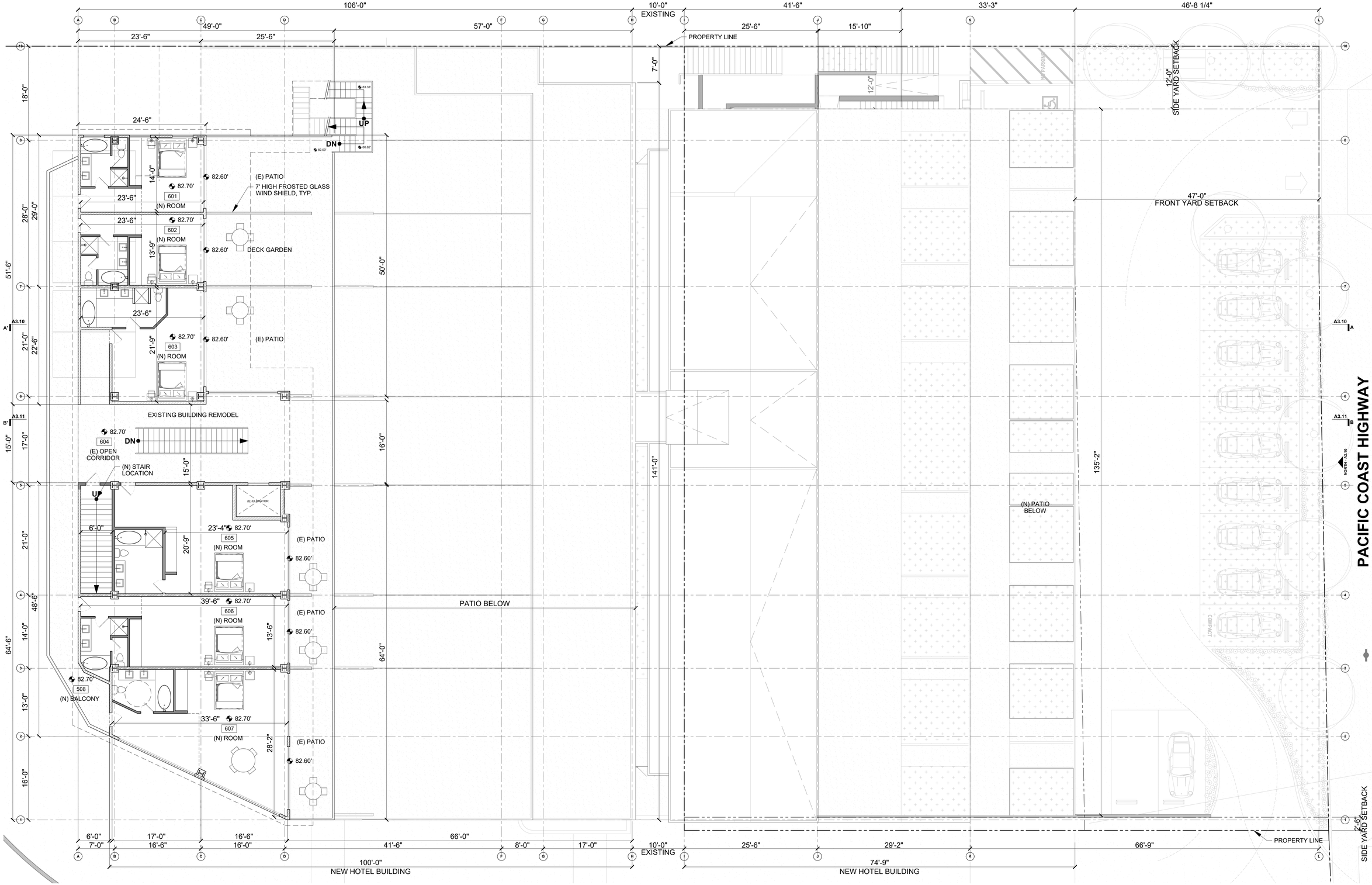
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EXISTING BUILDING SECOND LEVEL INTERIOR REMODEL
(ALL EXTERIOR WALLS ARE PERMITTED AND EXISTING)

A1.15

6/18/2020 12:30 AM



HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

1 EXISTING BUILDING THIRD LEVEL
1/8" = 1'-0"

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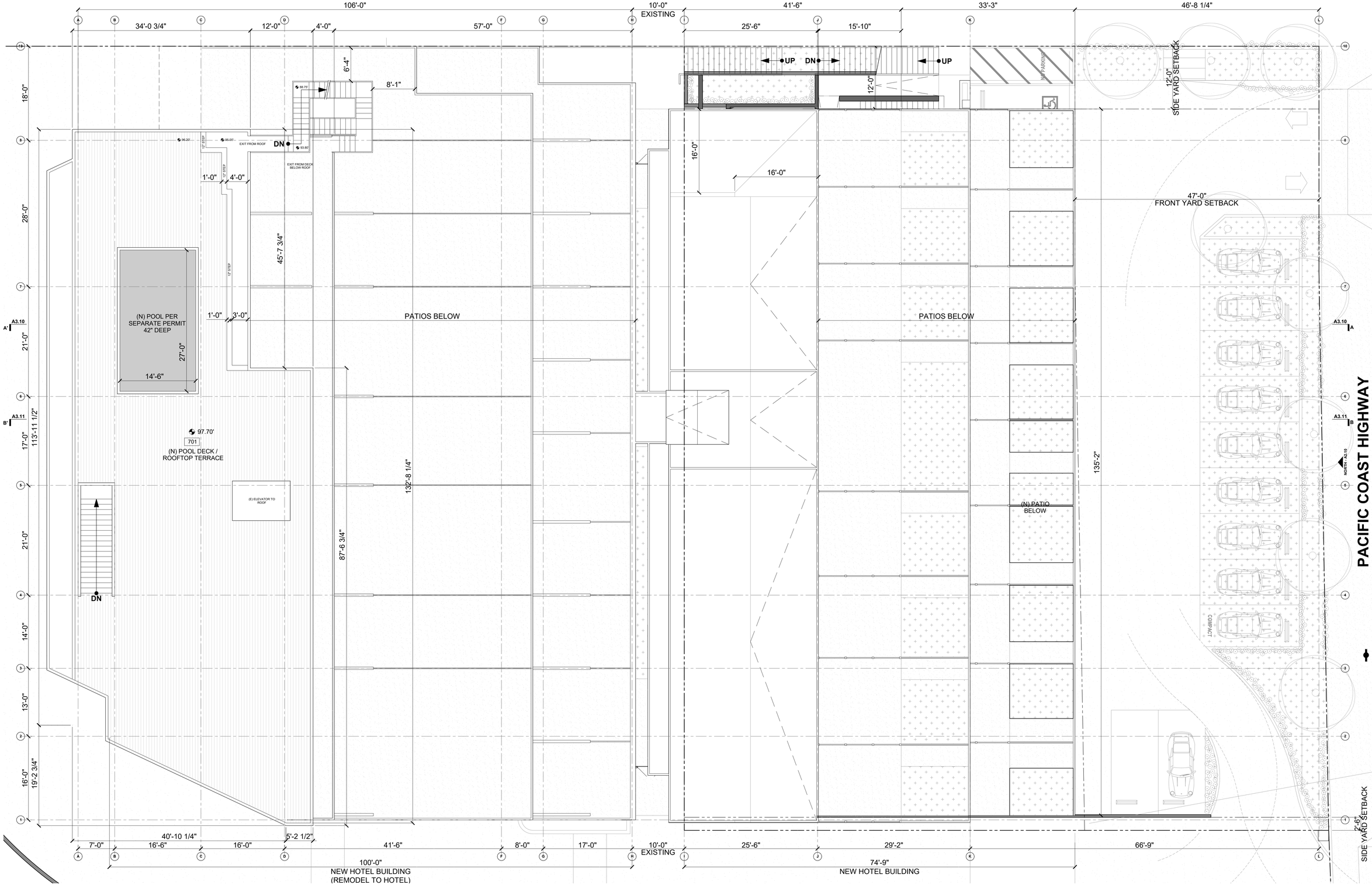
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EXISTING BUILDING
THIRD LEVEL
INTERIOR REMODEL
(ALL EXTERIOR WALLS ARE
PERMITTED AND EXISTING)

A1.16

6/18/2020 12:31 AM



HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

1 EXISTING BUILDING ROOF TOP LEVEL
1/8" = 1'-0"

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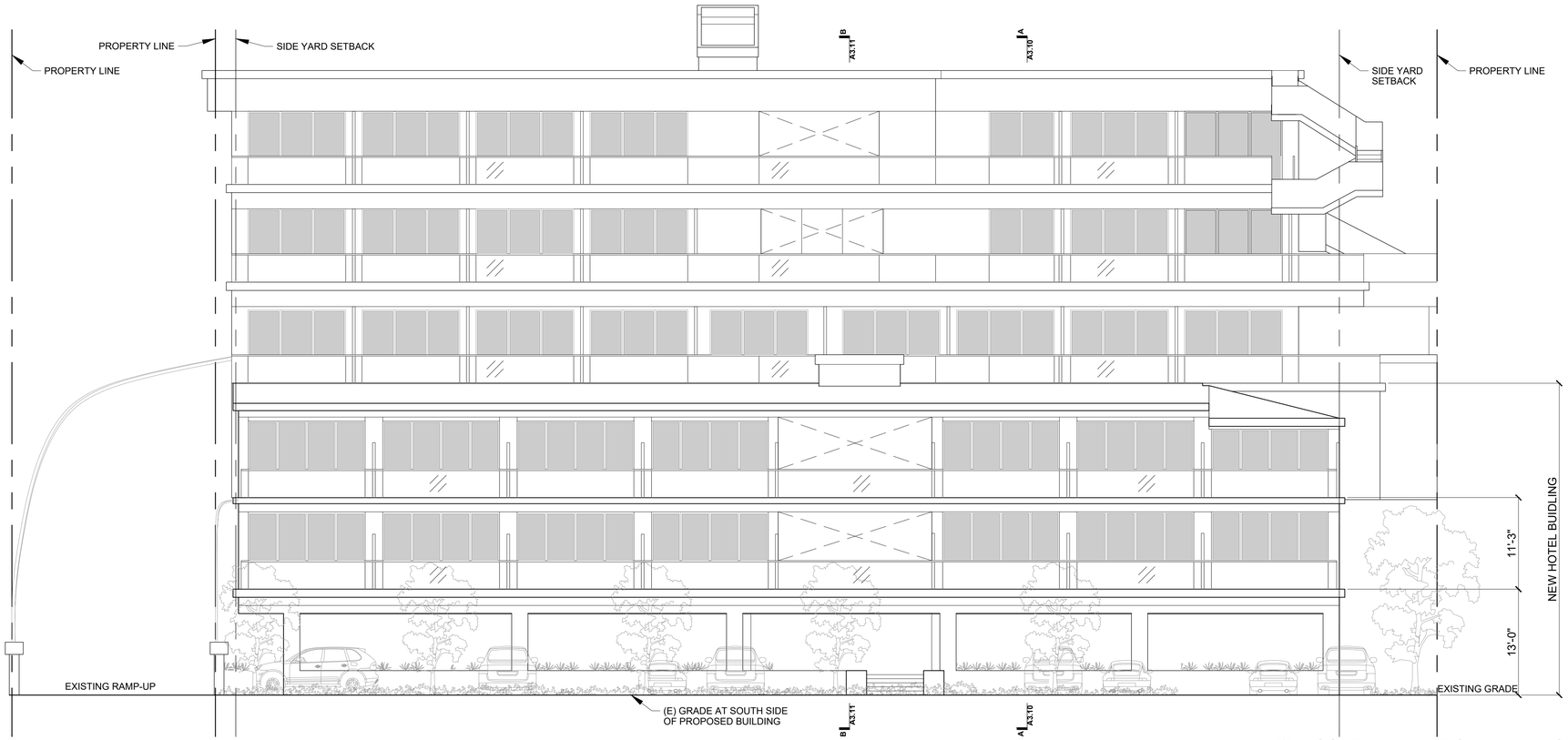
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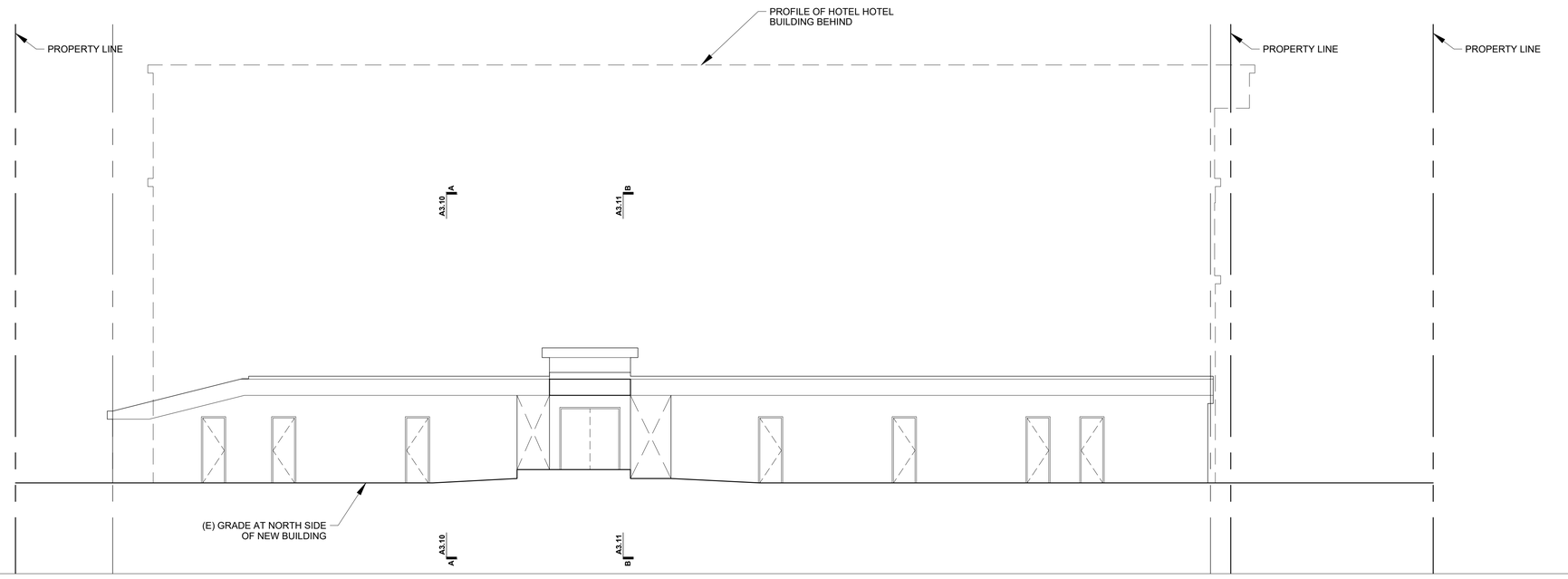
EXISTING BUILDING
ROOF TOP
TERRACE LEVEL
(ALL EXTERIOR WALLS ARE PERMITTED AND EXISTING)

A1.17

6/18/2020 12:32 AM



2 **SOUTH ELEVATION - NEW HOTEL BUILDING**
1/8" = 1'-0"



1 **NORTH ELEVATION - NEW HOTEL BUILDING**
1/8" = 1'-0"

HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

REMOVAL OF 10 AREAS FOR DOORS:
(4'-0" X 8'-8") X 10 = 344.4 SF

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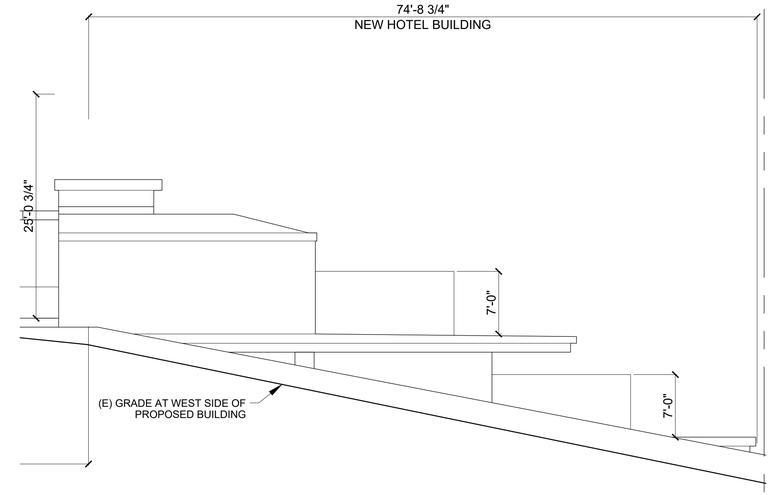
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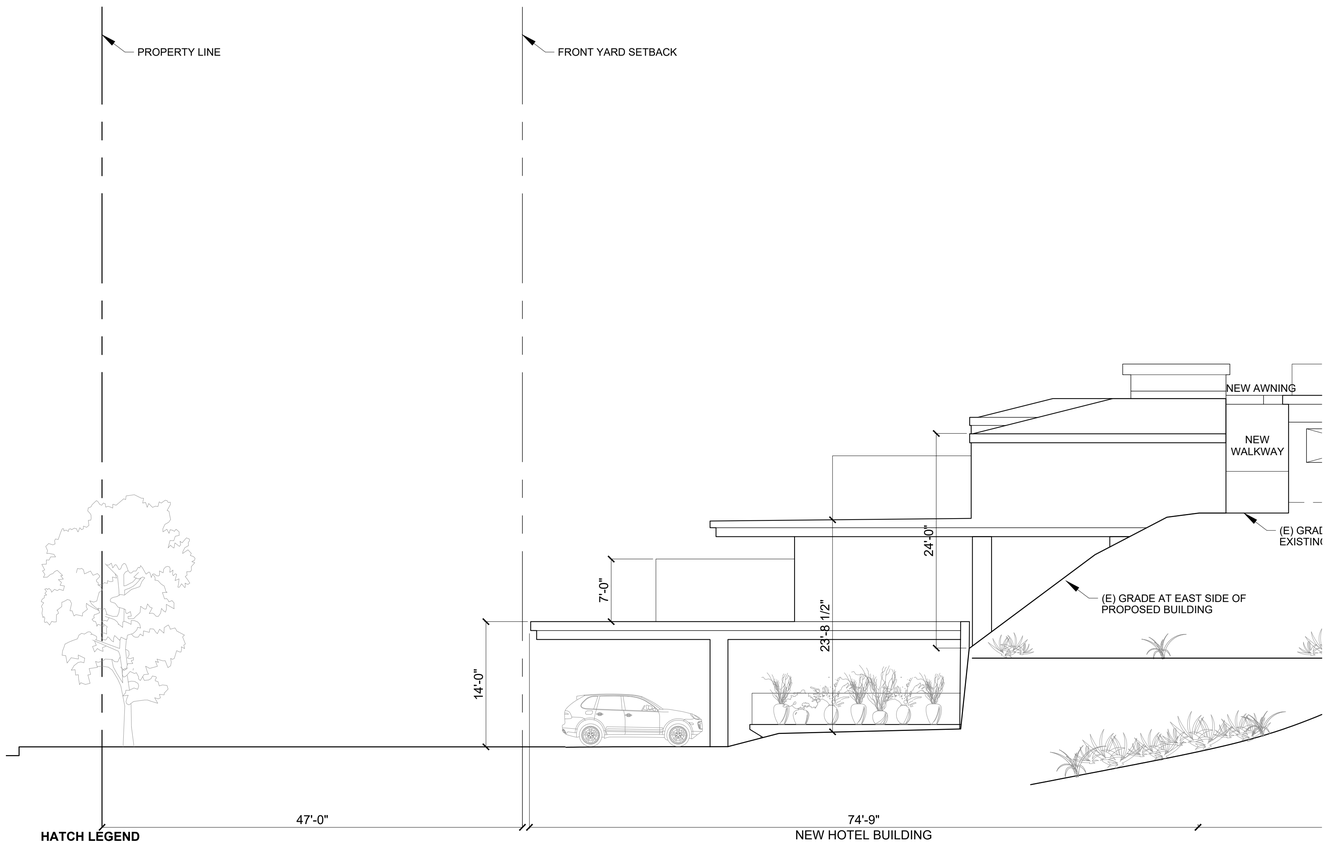
ELEVATIONS

A2.10

6/24/2020 12:22 PM



2 **WEST ELEVATION - NEW HOTEL BUILDING**
1/8" = 1'-0"



HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

1 **EAST ELEVATION - NEW HOTEL BUILDING**
1/8" = 1'-0"

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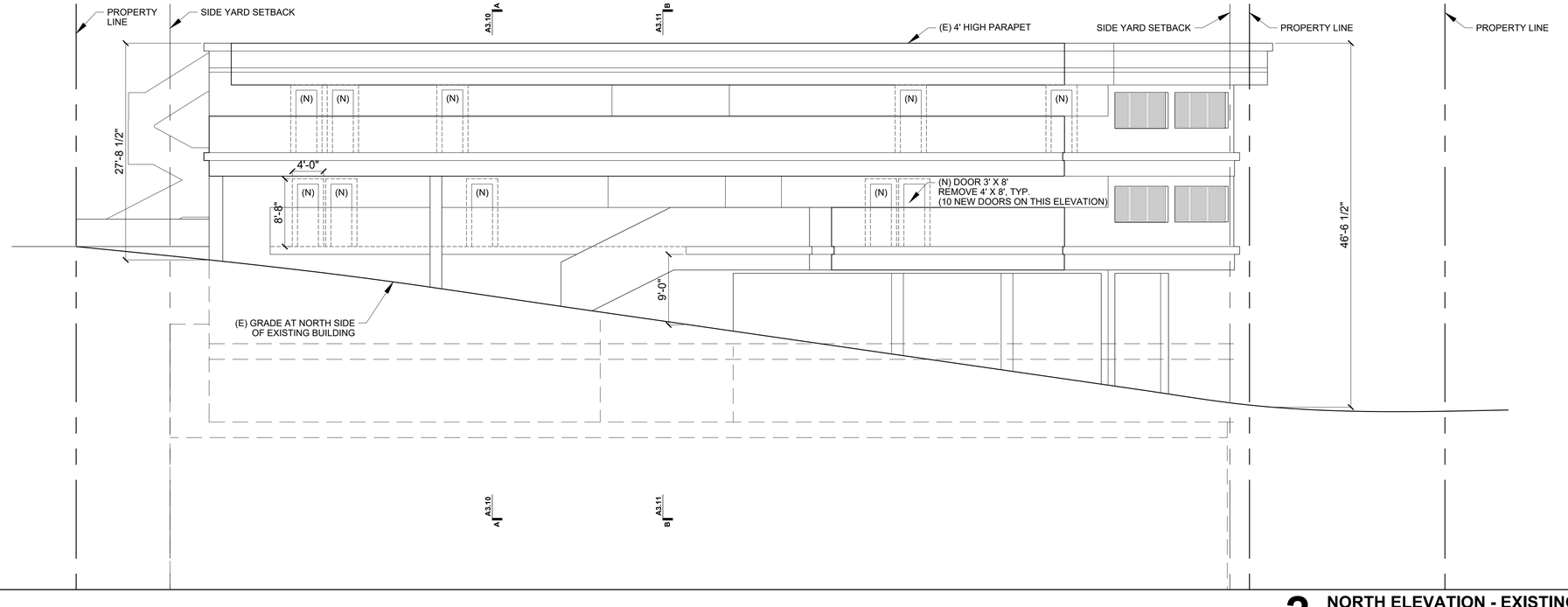
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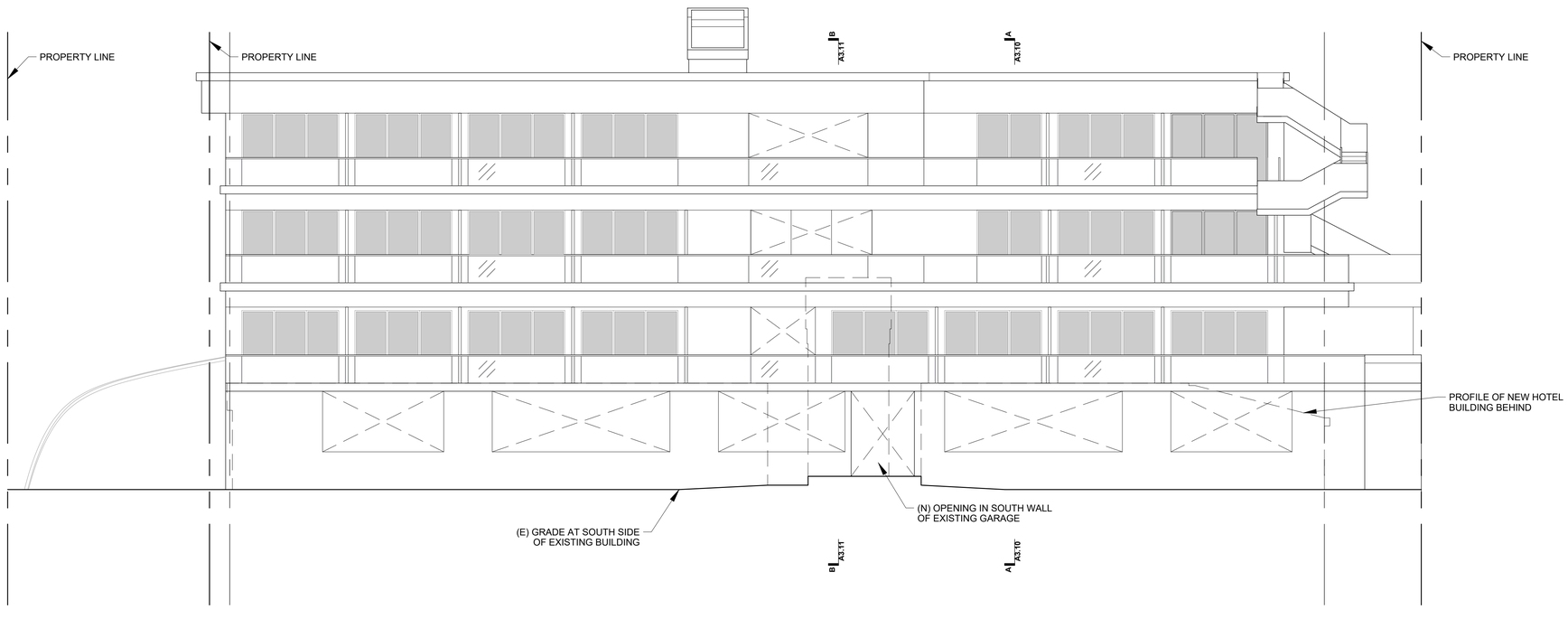
ELEVATIONS

A2.11

6/24/2020 12:22 PM



2 **NORTH ELEVATION - EXISTING BUILDING**
1/8" = 1'-0"



1 **SOUTH ELEVATION - EXISTING BUILDING**
1/8" = 1'-0"

HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

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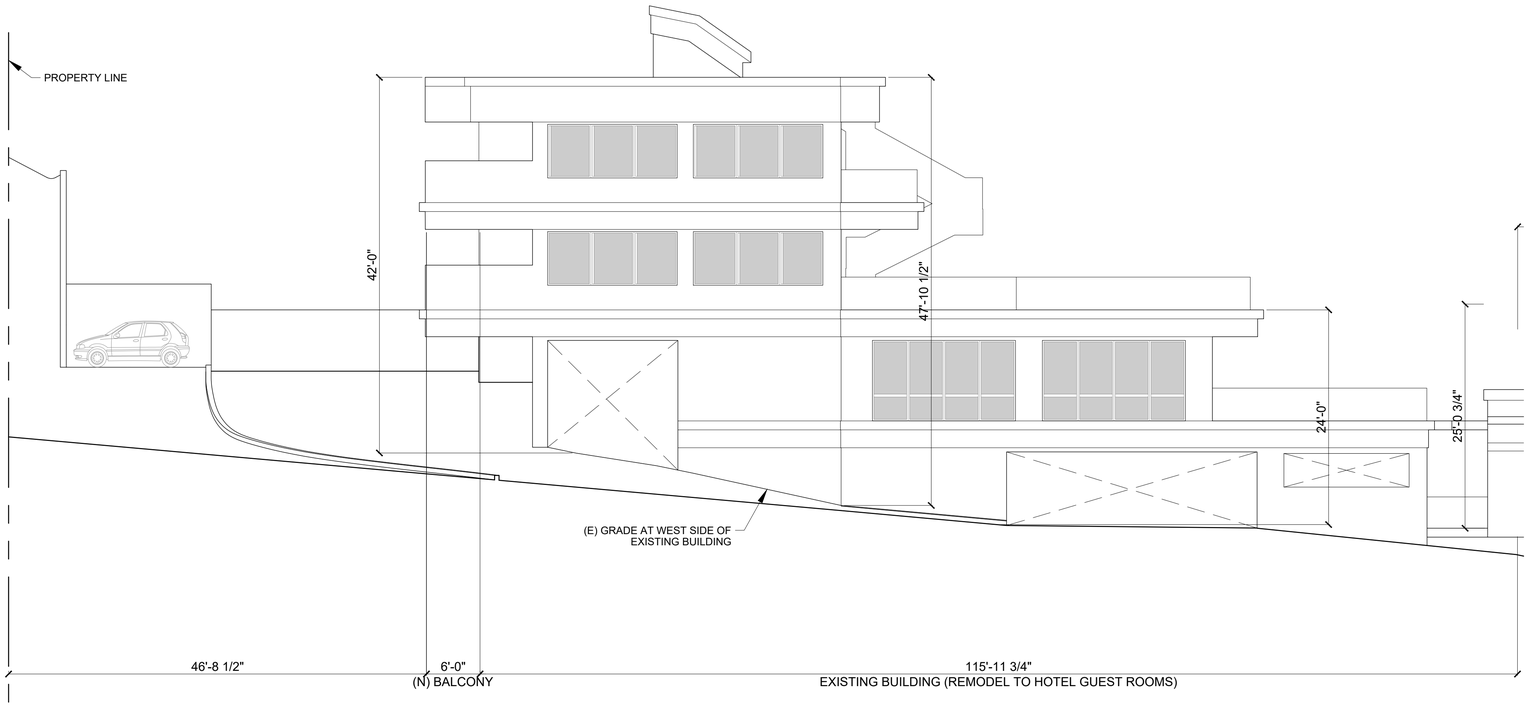
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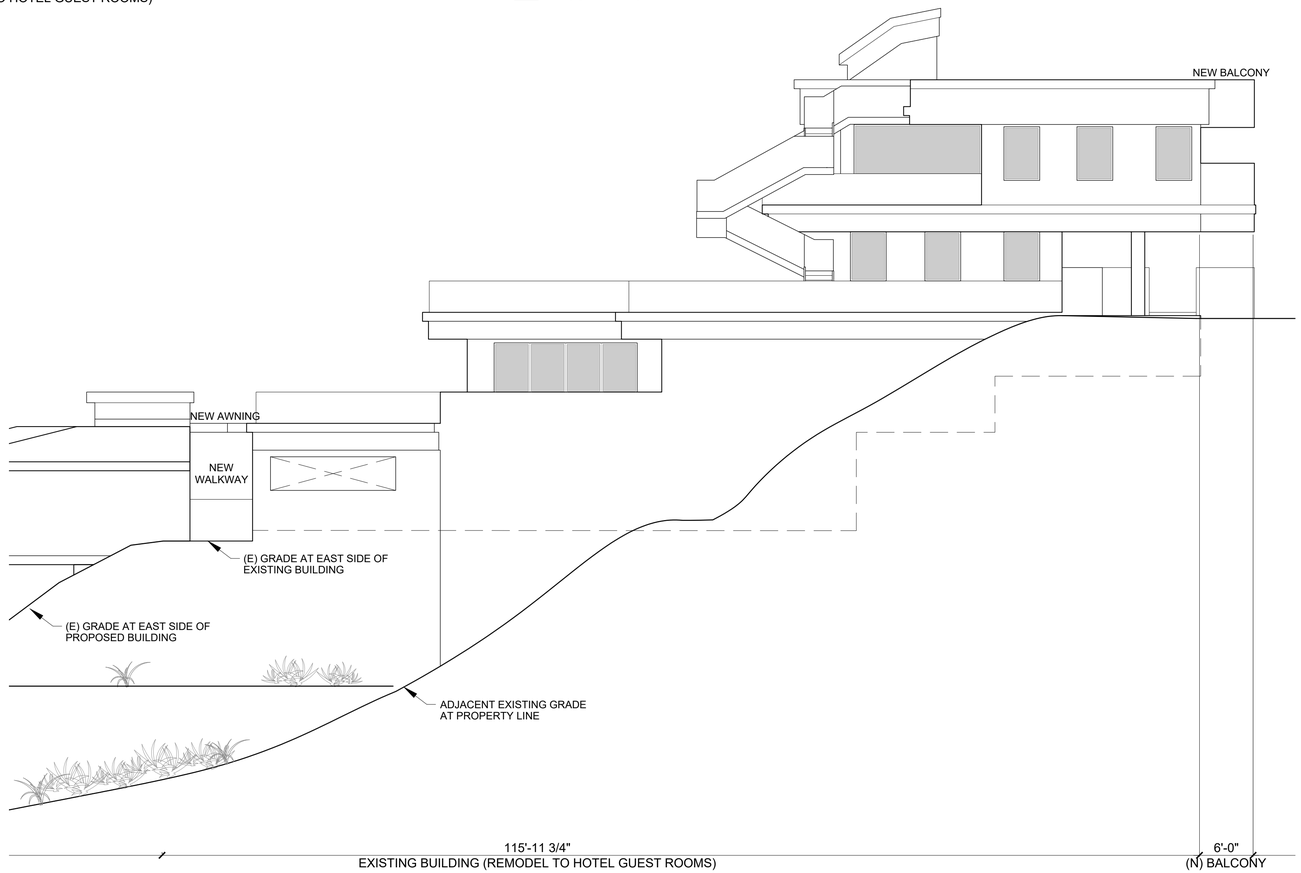
ELEVATIONS

A2.12

6/24/2020 12:22 PM



2 **WEST ELEVATION - EXISTING BUILDING**
1/8" = 1'-0"



1 **EAST ELEVATION - EXISTING BUILDING**
1/8" = 1'-0"

HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

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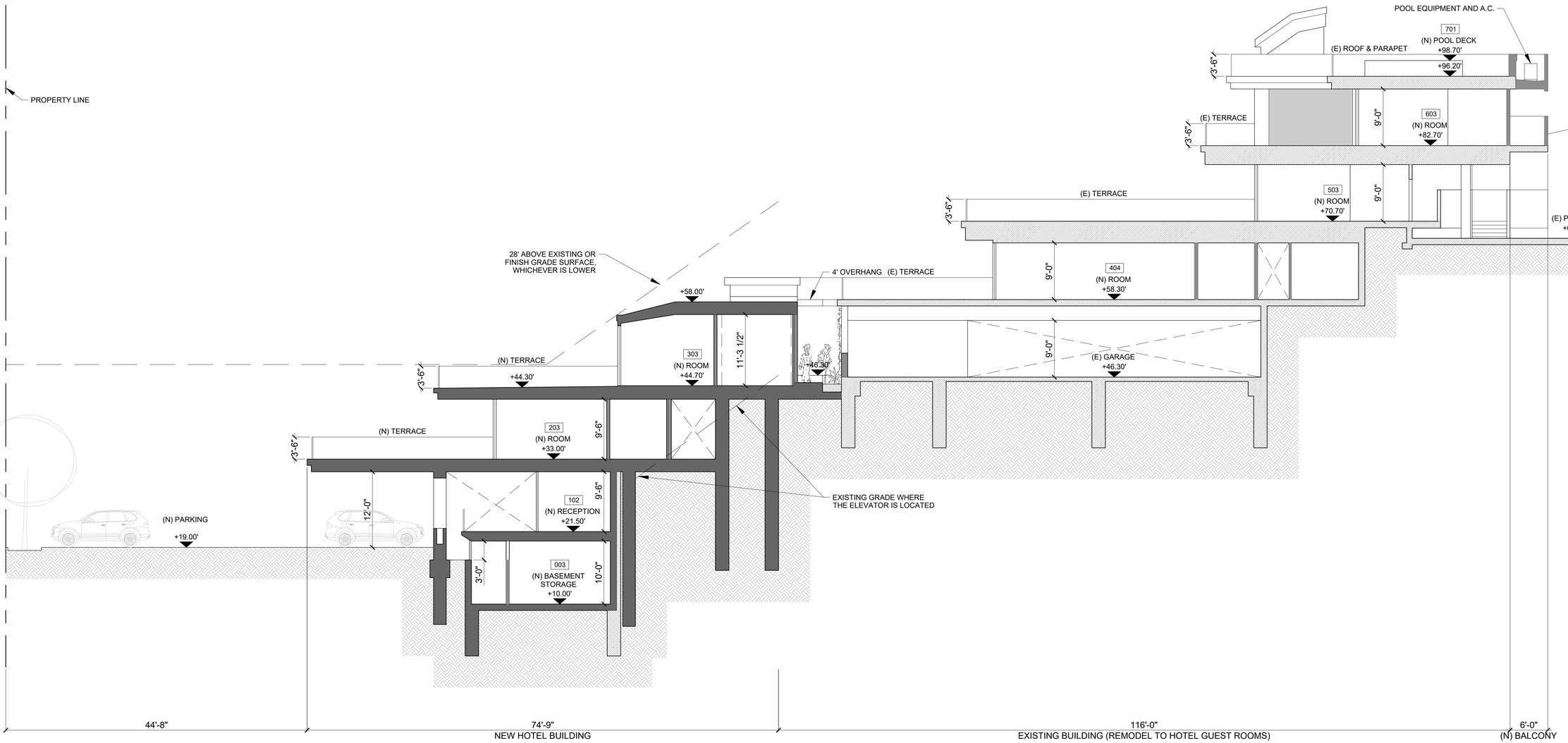
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ELEVATIONS

A2.13

6/24/2020 12:22 PM



HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

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

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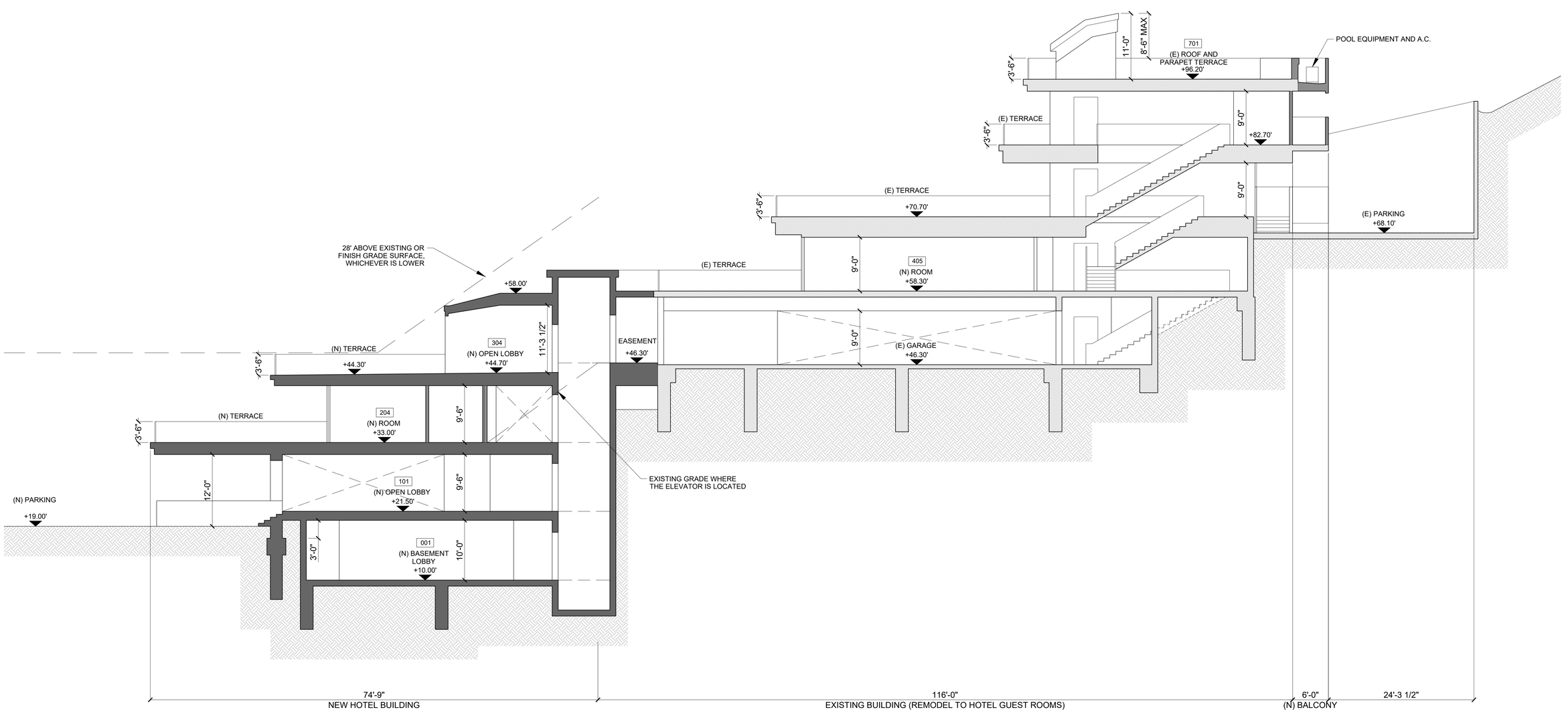
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SECTIONS

A3.10

6/24/2020 12:24 PM



HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

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

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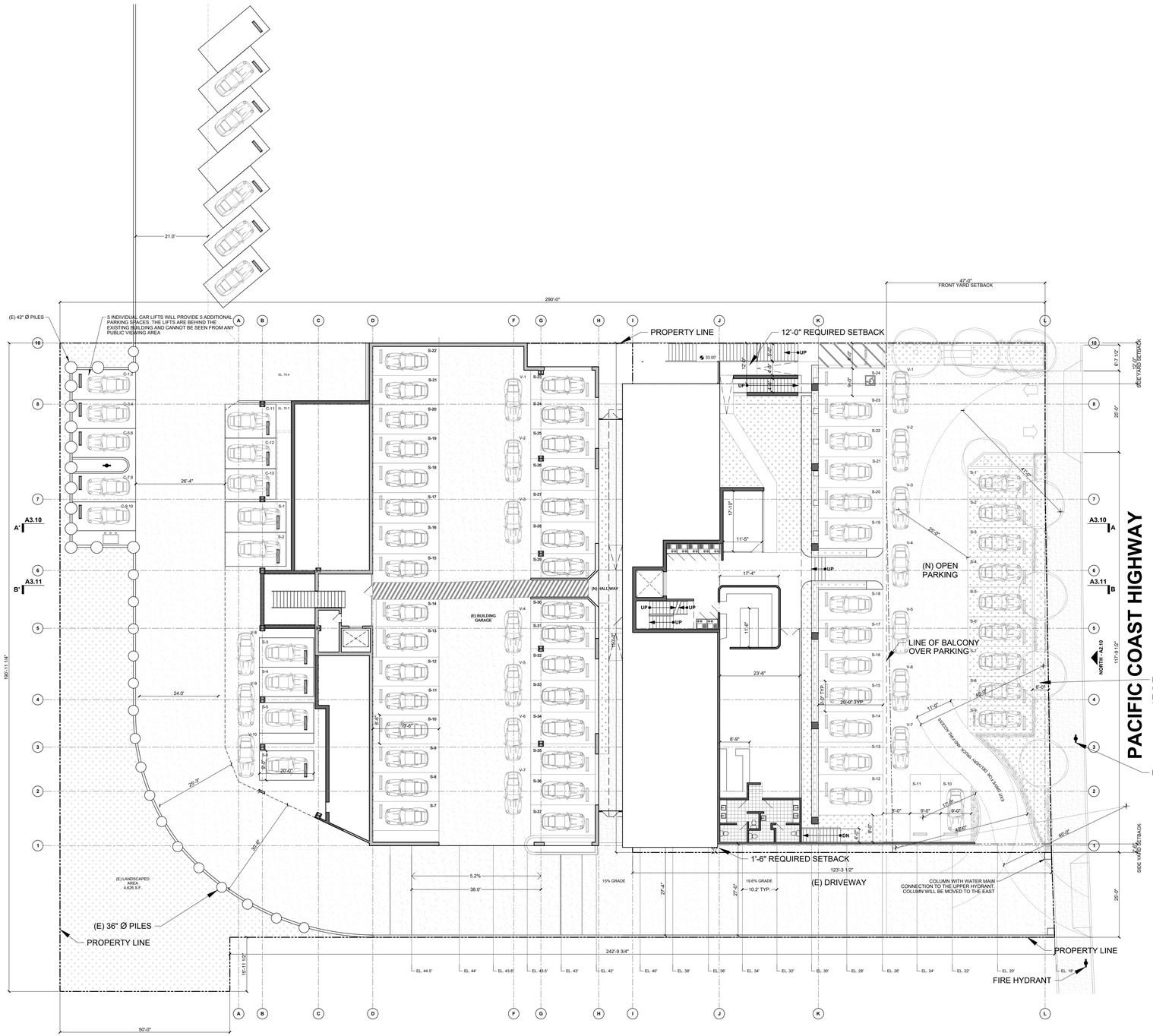
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SECTIONS

A3.11

6/24/2020 12:24 PM



1 PARKING EXHIBIT
1/16" = 1'-0"

HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

TOTAL STANDARD PARKING PLACES	= 57
TOTAL COMPACT PARKING PLACES	=17
TOTAL VALET STANDARD PARKING SPACES	= 17
TOTAL PARKING PLACES	= 91
% COMPACT SPACES	= 16.5%

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PARKING EXHIBIT

P-1

6/16/2020 11:34 PM

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22729 PACIFIC COAST HIGHWAY

MALIBU, CA 90265 -
APN 4452-022-010

LANDSCAPE & IRRIGATION PLANS

PLAN SET INDEX

L-0	COVER SHEET
L-1	LANDSCAPE PLAN - LOWER LEVEL
L-2	LANDSCAPE PLAN - UPPER LEVELS
L-3	IRRIGATION PLAN - LOWER LEVEL
L-4	IRRIGATION PLAN - UPPER LEVELS
L-5	IRRIGATION DETAILS

VITUS MATARÉ & ASSOCIATES, INC.
P.O. BOX 1204, MALIBU, CA. 90265 P 310.317.0700

PLANNING DESIGN TECHNICAL COORDINATION EXPEDITING

BOUTELOUA DACTYLOIDES



CAENOTHUS GRISEUS 'LOUIS EDMONDS'



CUPRESSUS SEMPERVIRENS 'COMPACTA'



EPILOBIUM CANUM GARRETTI



FICUS MICROCARPA



QUERCUS AGRIFOLIA



SALVIA CHAMAEDRYOIDES



SATUREJA DOUGLASII



STRELITZIA NICOLAI



TRICHOSTEMA LANATUM



CITY : MALIBU

REGION : SOUTH COASTAL (REG.3)

LEGAL DESCRIPTION : *TR=PARCEL MAP AS PER BK 14 P 30 OF P M LOT 1

EROSION CONTROL NOTES

1. ALL SLOPES WHETHER NATURAL OR MANUFACTURED SHOULD BE PLANTED USING THE CONTOUR PLANTING METHOD, WITH ALTERNATING ROWS OF PLANTS ALONG THE PROPERTY CONTOURS. THIS METHOD SHALL BE USED FOR AL CONTAINER PLANTS.

2. LARGE PLANTING AREAS SHALL BE TERRACED SLIGHTLY TO CONTROL IRRIGATION.

3. IRRIGATION OF PLANTS ON SLOPES SHALL CONSIST PRIMARILY OF BUBBLER OR DRIP IRRIGATION. SMALL ARC ROTARY HEADS (15' ARCS) MAY BE USED FOR LARGE OPEN AREAS OF GROUND COVERS. HOWEVER, THE HEADS MUST BE LAID OUT TO CONFORM WITH THE EARTH TERRACE TO AVOID RUN-OFF.

WEED ERADICATION

1. THREE MONTHS PRIOR TO PLANTING, THE PLANTING AREAS SHALL BE IRRIGATED EVERY OTHER DAY FOR THREE WEEKS, AND THE WEEDS WHICH EMERGE SHALL BE REMOVED. THIS PROCESS SHAL BE REPEATED TWICE PRIOR TO PLANTING OF THE PLANT MATERIALS SELECTED FOR THE PROJECT LANDSCAPE.

PLANTING PROCEDURES FOR NATIVE PLANTS

1. PLANTING TIPS SHOULD BE THE SAME DEPTH AS THE SOIL IN THE PLANT CONTAINER AND ONE AND ONE-HALF TIMEAS AS WIDE AS THE CONTAINER.

2. DO NOT USE SOIL AMENDMENTS,

3. BACKFILL PLANTING PITS WITH NATIVE SOIL ONLY. WHEN PLANTING NATIVE PLANTS ON CUT OR FILL SLOPES, IMPORT NATIVE TOPSOIL FROM UNDISTURBED PORTIONS OF THE SITE FOR BACKFILL MIX. MIX ONE HALF IMPORTED NATIVE SOIL WITH ON HALF CUT OR FILL MATERIAL FOR BACKFILL MIX.

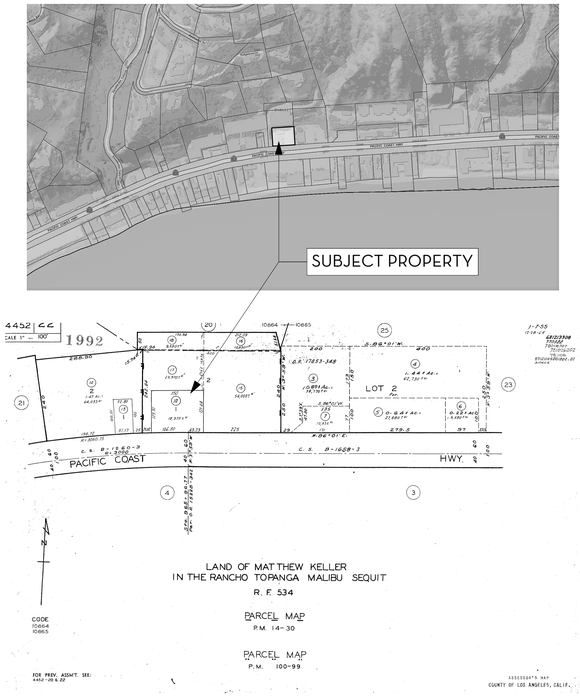
4. CREATE A BASIN AROUND THE ROOTBALL EDGES OF EACH PLANT TO CATCH AND DIRECT WATER TO THE PLANT ROOR MASS.

5. DO NOT DISTURB THE PLANT ROOTBALL DURING PLANTING.

6. ADD TWO OR THREE INCHES OF MULCH IN THE PLANT BASIN.

7. DO NOT PLACE SOIL OR MULCH ON TOP OF THE CROWN OF THE ROOTBALL (PLANT STEM OF TRUNK).

8. PLANTING OF NATIVE PLANTS SHOULD TAKE PLACE FROM LATE NOVEMBER THROUGH LATE MARCH ONLY. THE PLANTS MUST BE IRRIGATED THROUGH THE FIRST YEAR. GREAT CARE MUST BE TAKEN NOT TO OVERWATER THE NATIVE PLANTS AND TO REDUCE THE IRRIGATION FREQUENCY AND VOLUMES TO A MINIMUM REQUIRED FOR PLANT HEALTH AS SOON AS POSSIBLE AFTER PLANTING.



3 ASSESSOR MAP
NOT TO SCALE

LANDSCAPE PLAN NOTES

A. PROPOSED LANDSCAPING ON SITE IS MINIMAL AND DOES NOT REACH THE AREA THRESHOLD FOR REVIEW UNDER THE LANDSCAPE WATER CONSERVANCY ORDINANCE (LWCO).

ANY CHANGES TO PLANTING AREAS OR OTHER LANDSCAPE DESIGN MAY EXCEED THE LWCO AREA THRESHOLD. THEREFORE, ANY CHANGES TO THE FINAL APPROVED LANDSCAPE PLANS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO ANY PLANTING.

B. INVASIVE PLANT SPECIES, AS DETERMINED BY THE CITY OF MALIBU, ARE PROHIBITED.

C. 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).

D. NATIVE SPECIES OF THE SANTA MONICA MOUNTAINS, CHARACTERISTIC OF THE LOCAL HABITAT, SHALL BE USED ON GRADED SLOPES OR WHERE SLOPE PLANTING ARE REQUIRED FOR SLOPE STABILIZATION, EROSION CONTROL, AND WATERSHED PROTECTION. PLANTS SHOULD BE SELECTED TO HAVE A VARIETY OF ROOTING DEPTHS. A SPACING OF 15 FEET BETWEEN LARGE WOODY (GREATER THAN OR EQUAL TO 10-FOOT CANOPY) SHRUBS IS RECOMMENDED BY THE FIRE DEPARTMENT. LAWNS ARE PROHIBITED ON SLOPES GREATER THAN 5%.

E. THE USE OF BUILDING MATERIALS TREATED WITH TOXIC COMPOUNDS SUCH AS COPPER ARSENATE AND CREOSOTE ARE PROHIBITED.

F. GRADING SHALL BE SCHEDULED ONLY DURING THE DRY SEASON FROM APRIL 1 - OCTOBER 31. IF IT BECOMES NECESSARY TO CONDUCT GRADING ACTIVITIES FROM NOVEMBER 1 - MARCH 31, A COMPREHENSIVE EROSION CONTROL PLAN SHALL BE SUBMITTED FOR APPROVAL PRIOR TO ISSUANCE OF A GRADING PERMIT AND IMPLEMENTED PRIOR TO INITIATION OF VEGETATION REMOVAL AND/OR GRADING ACTIVITIES.

G. GRADING, EXCAVATION, DEMOLITION, OR OTHER SITE PREPARATION ACTIVITIES SHALL BE SCHEDULED OUTSIDE THE MAIN BREEDING SEASON OF BIRDS (FEBRUARY 1 TO SEPTEMBER 15) IF AT ALL POSSIBLE. REGARDLESS OF TIMING, A NESTING / BIRD NEST SURVEY WILL BE CONDUCTED BY A QUALIFIED BIOLOGIST. SURVEYS WILL BE COMPLETED WITHIN FIVE (5) DAYS OF INITIATION OF ANY SITE PREPARATION ACTIVITIES. SHOULD ACTIVE NEST BE IDENTIFIED, A BUFFER AREA OF NO LESS THAN 100 FEET (300 FEET FOR RAPTORS) SHALL BE CLEARLY DELINEATED IN THE FIELD UNTIL IT IS DETERMINED BY A QUALIFIED BIOLOGIST THAT THE NEST IS NO LONGER ACTIVE. A REPORT DISCUSSING THE RESULTS OF NESTING BIRD SURVEYS SHALL BE SUBMITTED TO THE CITY BIOLOGIST PRIOR TO ANY VEGETATION REMOVAL ON SITE. FAILURE TO ABIDE THIS CONDITION MAY RESULT IN REVOCATION OF THE PERMIT AND PENALTIES ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME.

H. 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.

I. UP-LIGHTING OF LANDSCAPING IS PROHIBITED.

J. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY THE CITY BIOLOGIST SHALL INSPECT THE PROJECT SITE AND DETERMINE THAT ALL PLANTING CONDITIONS THAT PROTECT NATURAL RESOURCES ARE IN COMPLIANCE WITH THE APPROVED PLANS.

K. SEE ADDITIONAL NOTES IN BIOLOGICAL ASSESSMENT REPORT PREPARED BY FORDE BIOLOGICAL SERVICES.

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	DIAMETER	HEIGHT	DETAILS	SUN EXPOSURE	PLANT TYPE	WUCOLS AREA / RATING*
	2,475 SQ.FT.	BOUTELOUA DACTYLOIDES	BUFFALOGRASS	3"	3"	GREEN GRASS	FULL SUN/ PART SHA...	GROUNDCOVER	REG.3 - M
	40	CEANOTHUS HEARSTIORUM	HEARST'S CEANOTHUS	8'-0"	6"	FLOWERING SEASON WINTER AND SPRING	FULL SUN	SHRUB	REG.3 - L
	20	CUPRESSUS SEMPERVIRENS 'COMPACTA'	DWARF ITALIAN CYPRESS	2'-0"	8'-0"	EVERGREEN COLUMNAR TREE	FULL SUN	TREE	REG.3 - L
	24	EPILOBIUM CANUM GARRETTI	GARRETT'S FIRECHALICE	4'-0"	1'-0"	LATE SUMMER BLOOM, BRIGHT ORANGE-RED TUBULAR FLOWERS	FULL SUN	PERENNIAL	REG.3 - L
	17	FICUS MICROCARPA	LAUREL FIG	35'-0"	25'-0"	CAN BE PRUNED TO THE DESIRED SHAPE	FULL SUN/ PART SHA...	TREE	REG.3 - M
	8	QUERCUS AGRIFOLIA	COAST LIVE OAK	25'-0"	55'-0"	FLOWERING SEASON WINTER AND SPRING	FULL SUN/ PART SHA...	TREE	REG.3 - VL
	7	SALVIA CHAMAEDRYOIDES	BLUE SAGE	3'-0"	2'-0"	TOLERANT OF LIGHT SHADE AND MODEST DROUGHT	FULL SUN	PERENNIAL	REG.3 - L
	10	SATUREJA DOUGLASII	YERBA BUENA	3'-0"	3"	NOT AGRESSIVE, GREAT FRAGRANT GROUNDCOVER	PART SHADE	GROUNDCOVER	REG.3 - L
	18	STRELITZIA NICOLAI	GIANT BIRD OF PARADISE	11'-0"	20'-0"	BANANA-LIKE PLANTS	SUN/ PART SHADE	SHRUB	REG.3 - M
	12	TRICHOSTEMA LANATUM	WOOLLY BLUECURLS	5'-0"	5'-0"	FLOWERING IN FALL, WINTER AND SPRING, PLEASENT FRAGRANCE	SUN/ PART SHADE	SHRUB	REG.3 - VL

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1 PLANTING LEGEND (ALL LEVELS)
NOT TO SCALE

MALIBU SEA VIEW HOTEL
22729 PACIFIC COAST HIGHWAY
CITY OF MALIBU, , CA. 90265

APN 4452-022-010

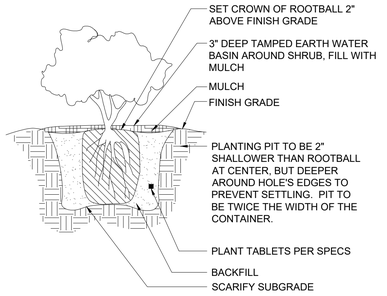
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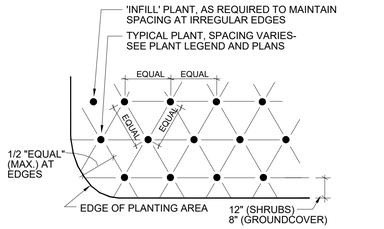
SHEET 1 OF 6

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3 SHRUB PLANTING

NOT TO SCALE



NOTE:
ALL GROUNDCOVER SHALL BE PLANTED AT EQUAL SPACING
SEE SPECIFICATIONS FOR FURTHER INFORMATION

4 SHRUB AND GROUNDCOVER SPACING

NOT TO SCALE

CAENOTHUS GRISEUS 'LOUIS EDMONDS'



CUPRESSUS SEMPERVIRENS 'COMPACTA'



EPILOBIUM CANUM GARRETTI



QUERCUS AGRIFOLIA



SALVIA CHAMAEDRYOIDES

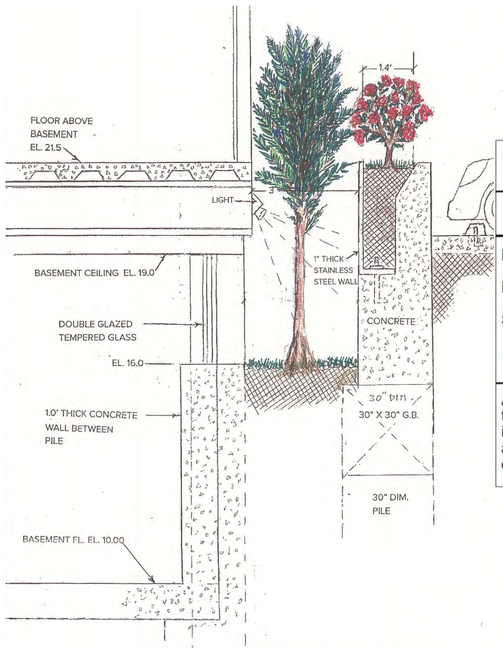


SATUREJA DOUGLASII



TRICHOSTEMA LANATUM





A CROSS SECTION A-A, TYPICAL

NOT TO SCALE

CITY OF MALIBU
PLANNING DEPARTMENT

CITY BIOLOGIST APPROVAL

DATE 3/6/21

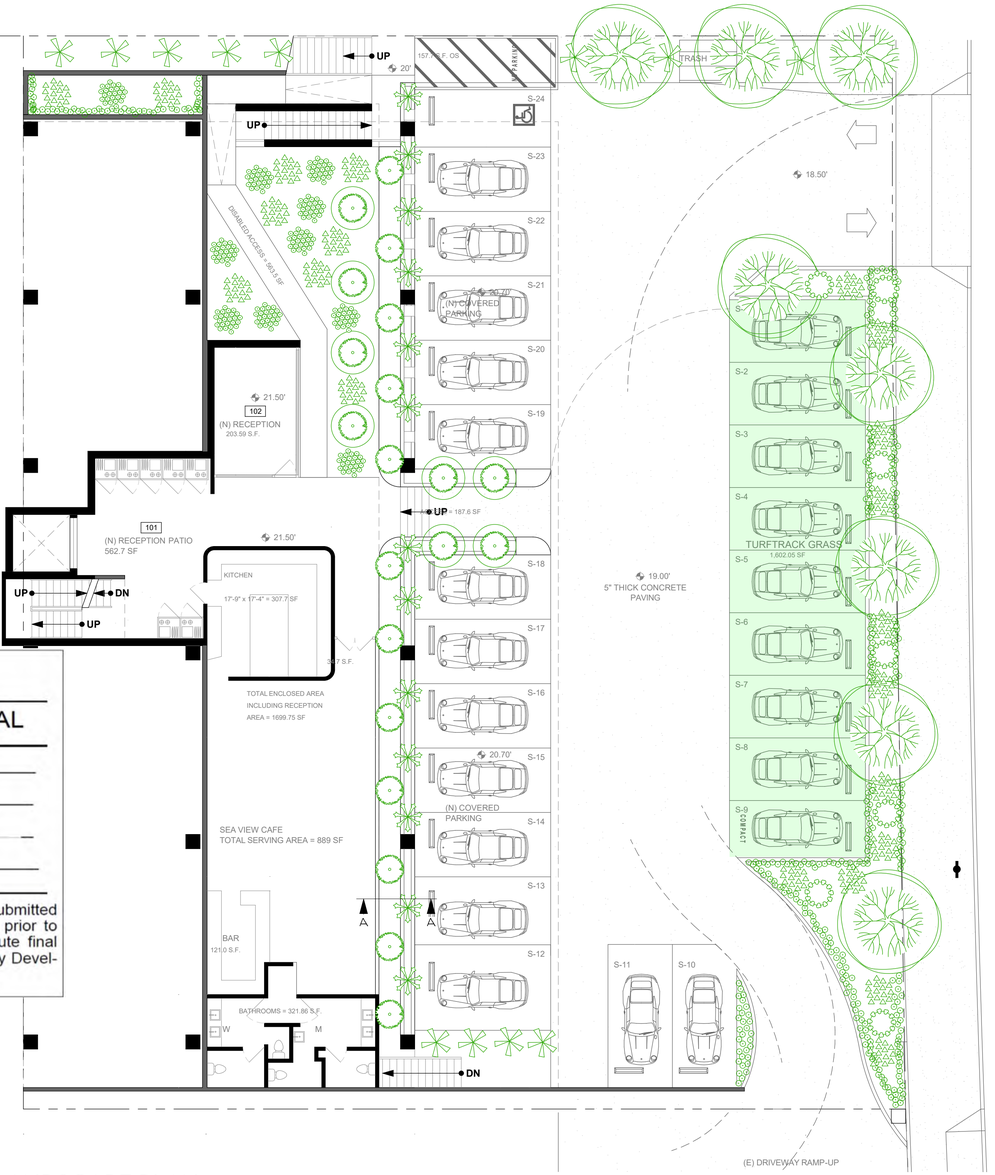
PLANNING REVIEW NO. CDP 17-086

SIGNATURE _____

PRINT NAME Crawford

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N



1 FIRST LEVEL - LANDSCAPE PLAN

SCALE: 1" = 10'

ZONE	SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	DIAMETER	HEIGHT	DETAILS	SUN EXPOSURE	PLANT TYPE	WUCOLS AREA / RATING*
FIRST LEVEL										
		1,305 SQ.FT.	CEANOTHUS HEARSTIORUM	HEARST'S CEANOTHUS	8'-0"	6"	FLOWERING SEASON WINTER AND SPRING	FULL SUN	SHRUB	REG.3 - L
		20	CUPRESSUS SEMPERVIRENS 'COMPACTA'	DWARF ITALIAN CYPRESS	2'-0"	8'-0"	EVERGREEN COLUMNAR TREE	FULL SUN	TREE	REG.3 - L
		13	EPILOBIUM CANUM GARRETTI	GARRETT'S FIRECHALICE	4'-0"	1'-0"	LATE SUMMER BLOOM, BRIGHT ORANGE-RED TUBULAR FLOWERS	FULL SUN	PERENNIAL	REG.3 - L
		8	QUERCUS AGRIFOLIA	COAST LIVE OAK	25'-0"	55'-0"	FLOWERING SEASON WINTER AND SPRING	FULL SUN/ PART SHA...	TREE	REG.3 - VL
		7	SALVIA CHAMAEDRYOIDES	BLUE SAGE	3'-0"	2'-0"	TOLERANT OF LIGHT SHADE AND MODEST DROUGHT	FULL SUN	PERENNIAL	REG.3 - L
		10	SATUREJA DOUGLASII	YERBA BUENA	3'-0"	3"	NOT AGRESSIVE, GREAT FRAGRANT GROUNDCOVER	PART SHADE	GROUNDCOVER	REG.3 - L
		12	TRICHOSTEMA LANATUM	WOOLLY BLUECURLS	5'-0"	5'-0"	FLOWERING IN FALL, WINTER AND SPRING, PLEASENT FRAGRANCE	SUN/ PART SHADE	SHRUB	REG.3 - VL
		91								

2 PLANTING LEGEND

NOT TO SCALE

VITUS MATARÉ & ASSOCIATES, INC.
P.O. BOX 1204, MALIBU, CA. 90265 P 310.317.0700

PLANNING DESIGN TECHNICAL COORDINATION EXPEDITING

MALIBU SEA VIEW HOTEL

22729 PACIFIC COAST HIGHWAY

CITY OF MALIBU, , CA. 90265

LANDSCAPE PLAN - LOWER LEVEL

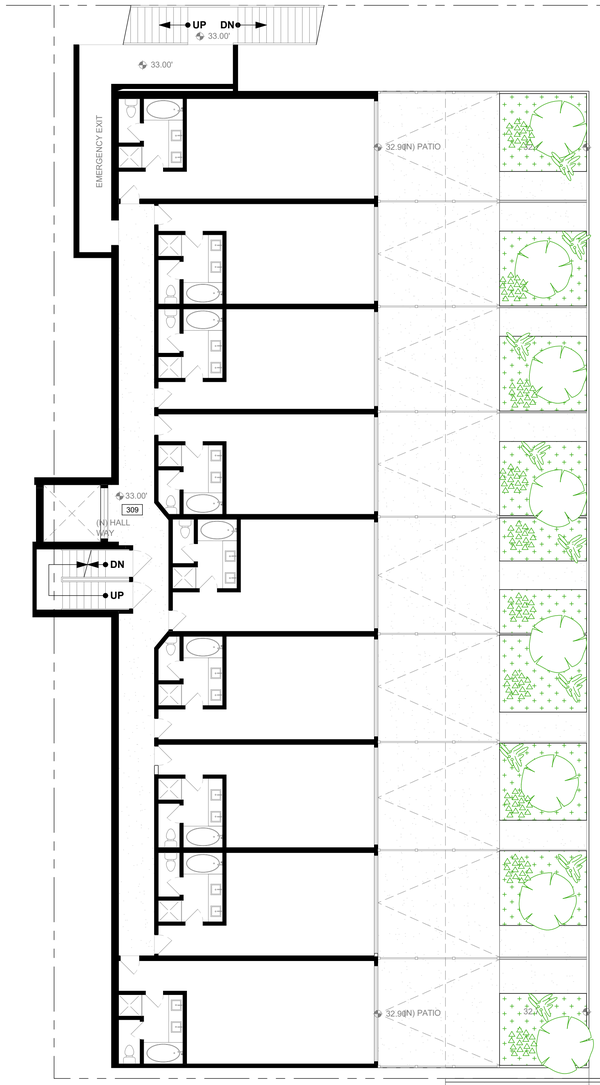
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1 SECOND LEVEL - LANDSCAPE PLAN
SCALE: 1" = 10'

BOUTELOUA DACTYLOIDES



CAENOTHUS GRISEUS 'LOUIS EDMONDS'



FICUS MICROCARPA



STRELITZIA NICOLAI



CITY OF MALIBU
PLANNING DEPARTMENT

CITY BIOLOGIST APPROVAL

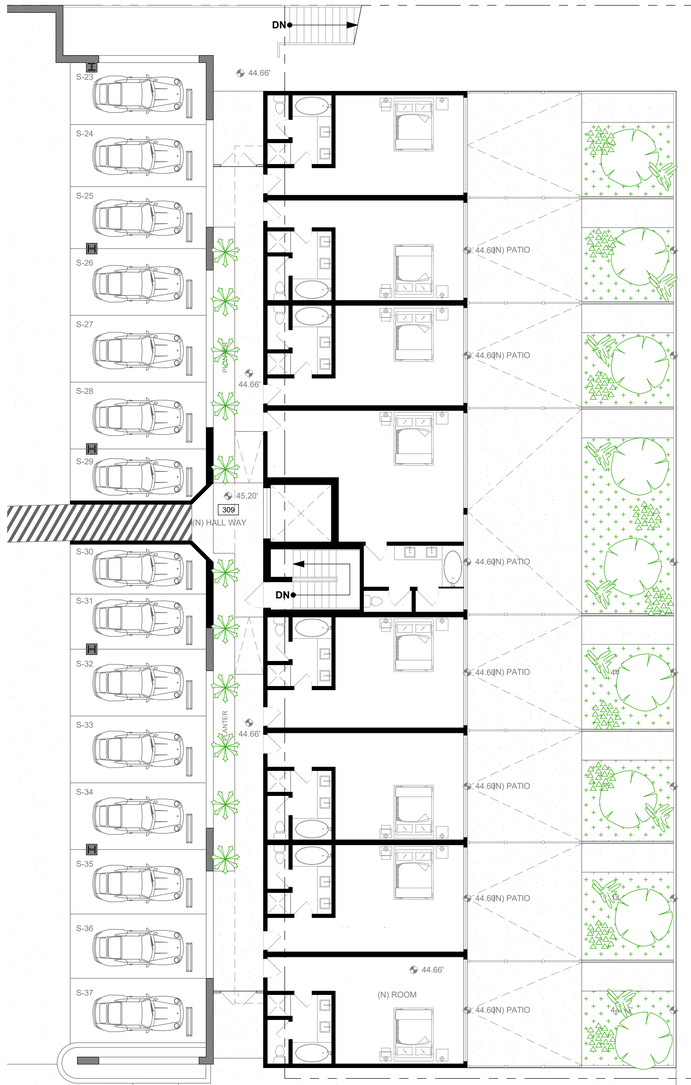
DATE 3/6/21

PLANNING REVIEW NO. CDP 17-086

SIGNATURE

PRINT NAME Crawford

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3 THIRD LEVEL - LANDSCAPE PLAN
SCALE: 1" = 10'

BOUTELOUA DACTYLOIDES



CAENOTHUS GRISEUS 'LOUIS EDMONDS'



EPILOBIUM CANUM GARRETTI



FICUS MICROCARPA



STRELITZIA NICOLAI



ZONE	SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	DIAMETER	HEIGHT	DETAILS	SUN EXPOSURE	PLANT TYPE	WUCOLS AREA / RATING*
SECOND LEVEL										
		1,171 SQ.FT.	BOUTELOUA DACTYLOIDES	BUFFALOGRASS	3"	3"	GREEN GRASS	FULL SUN/ PART SHA...	GROUNDCOVER	REG.3 - M
		10	CEANOTHUS HEARSTIORUM	HEARST'S CEANOTHUS	8'-0"	6"	FLOWERING SEASON WINTER AND SPRING	FULL SUN	SHRUB	REG.3 - L
		8	FICUS MICROCARPA	LAUREL FIG	35'-0"	25'-0"	CAN BE PRUNED TO THE DESIRED SHAPE	FULL SUN/ PART SHA...	TREE	REG.3 - M
		9	STRELITZIA NICOLAI	GIANT BIRD OF PARADISE	11'-0"	20'-0"	BANANA-LIKE PLANTS	SUN/ PART SHADE	SHRUB	REG.3 - M
THIRD LEVEL										
		1,304 SQ.FT.	BOUTELOUA DACTYLOIDES	BUFFALOGRASS	3"	3"	GREEN GRASS	FULL SUN/ PART SHA...	GROUNDCOVER	REG.3 - M
		9	CEANOTHUS HEARSTIORUM	HEARST'S CEANOTHUS	8'-0"	6"	FLOWERING SEASON WINTER AND SPRING	FULL SUN	SHRUB	REG.3 - L
		11	EPILOBIUM CANUM GARRETTI	GARRETT'S FIRECHALICE	4'-0"	1'-0"	LATE SUMMER BLOOM, BRIGHT ORANGE-RED TUBULAR FLOWERS	FULL SUN	PERENNIAL	REG.3 - L
		9	FICUS MICROCARPA	LAUREL FIG	35'-0"	25'-0"	CAN BE PRUNED TO THE DESIRED SHAPE	FULL SUN/ PART SHA...	TREE	REG.3 - M
		9	STRELITZIA NICOLAI	GIANT BIRD OF PARADISE	11'-0"	20'-0"	BANANA-LIKE PLANTS	SUN/ PART SHADE	SHRUB	REG.3 - M
		67								

2 PLANTING LEGEND
NOT TO SCALE

VITUS MATARÉ & ASSOCIATES, INC.
P.O. BOX 1204, MALIBU, CA. 90265 P 310.317.0700

PLANNING DESIGN TECHNICAL COORDINATION EXPEDITING

MALIBU SEA VIEW HOTEL

22729 PACIFIC COAST HIGHWAY

CITY OF MALIBU, , CA. 90265

LANDSCAPE PLAN - UPPER LEVELS

APN 4452-022-010

REV. #	DATE	SIGNATURE
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L-2

SHEET 3 OF 6

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LEGEND	
	3/4" IRRIGATION PVC PIPES
	HYDROZONE
	DESIGNATED HYDRATION ZONES

CATEGORY	ABBREVIATION	PERCENTAGE OF ET_o
VERY LOW	VL	<10
LOW	L	10-30
MODERATE / MEDIUM	M	40-60
HIGH	H	70-90

3 IRRIGATION LEGEND
NOT TO SCALE

MAXIMUM APPLIED WATER ALLOWANCE

MAWA = 80,531 GALLONS PER YEAR
MAWA = (ETO) (0.62) [0.55 X LA + 0.3 X SLA]

ETO (MALIBU) = 44.2 INCHES PER YEAR
LA = LANDSCAPE AREA (INCLUDING POOL*) = 5,343 SQ FT
SLA = SPECIAL LANDSCAPE AREA**
AREA CONVERSION FACTOR = 0.62 (INCHES TO GALLONS PER SQUARE FOOT)
ET ADJUSTMENT FACTOR (ETAF) = 0.55
SPECIAL AREA** ET ADJUSTMENT FACTOR = 0.3

*NO POOL OR WATER FEATURE ARE PROPOSED
**NONE PROPOSED

3/6/21

ESTIMATED WATER USE

EWU = 80,049 GALLONS PER YEAR TOTAL
EWU = (ETO) (0.62) (PF X HA/IE) + SPECIAL AREA EWU + POOL EWU

HZ1 - PF = 0.1 , LA = 776 SQ FT , EWU = 2,835 GAL PER YR

HZ2 - PF = 0.3 , LA = 2,090 SQ FT , EWU = 22,910 GAL PER YR

HZ3 - PF = 0.6 , LA= 2,477 SQ FT ,EWU= 54,304 GAL PER YR

POOL/WATER FEATURE - LA = 0 SQ FT, EWU= 0 GAL PER YR

HA = HYDROZONE IN SQUARE FEET
PF = AVERAGE PLANT FACTOR FOR EACH HYDROZONE BASED ON WUCOLS AREA SPECIFIC CLASSIFICATION
IE = IRRIGATION CONTROLLER EFFICIENCY RATING (75% FOR HUNTER WEC)*

HYDROZONE	#STATION	AREA (SQ.FT.)	IRRIGATION TYPE	HOME STORY
HZ PF=0.1 (REG.3-VL)				
	#02	101.14	DRIP IRRIGATION	FIRST LEVEL
	#03	129.39	DRIP IRRIGATION	FIRST LEVEL
	#06	124.38	DRIP IRRIGATION	FIRST LEVEL
	#07	180.70	DRIP IRRIGATION	FIRST LEVEL
	#32	107.25	DRIP IRRIGATION	THIRD LEVEL
	#33	133.25	DRIP IRRIGATION	THIRD LEVEL
		776.11 SQ FT		
HZ PF=0.3 (REG.3-L)				
	#04	737.06	DRIP IRRIGATION	FIRST LEVEL
	#05	25.52	DRIP IRRIGATION	FIRST LEVEL
	#07	134.27	DRIP IRRIGATION	FIRST LEVEL
	#08	133.81	DRIP IRRIGATION	FIRST LEVEL
	#09	531.94	DRIP IRRIGATION	FIRST LEVEL
	#10	140.66	DRIP IRRIGATION	FIRST LEVEL
	#11	77.37	DRIP IRRIGATION	FIRST LEVEL
	#12	91.06	DRIP IRRIGATION	FIRST LEVEL
	#13	218.44	DRIP IRRIGATION	FIRST LEVEL
		2,090.13 SQ FT		
HZ PF=0.6 (REG.3-M)				
	#14	132.56	DRIP IRRIGATION	SECOND LEVEL
	#15	127.12	DRIP IRRIGATION	SECOND LEVEL
	#16	127.12	DRIP IRRIGATION	SECOND LEVEL
	#17	127.12	DRIP IRRIGATION	SECOND LEVEL
	#18	73.19	DRIP IRRIGATION	SECOND LEVEL
	#19	73.19	DRIP IRRIGATION	SECOND LEVEL
	#20	131.17	DRIP IRRIGATION	SECOND LEVEL
	#21	131.17	DRIP IRRIGATION	SECOND LEVEL
	#22	127.12	DRIP IRRIGATION	SECOND LEVEL
	#23	122.36	DRIP IRRIGATION	SECOND LEVEL
	#24	133.28	DRIP IRRIGATION	THIRD LEVEL
	#25	133.28	DRIP IRRIGATION	THIRD LEVEL
	#26	133.28	DRIP IRRIGATION	THIRD LEVEL
	#27	315.46	DRIP IRRIGATION	THIRD LEVEL
	#28	152.44	DRIP IRRIGATION	THIRD LEVEL
	#29	145.61	DRIP IRRIGATION	THIRD LEVEL
	#30	157.93	DRIP IRRIGATION	THIRD LEVEL
	#31	133.62	DRIP IRRIGATION	THIRD LEVEL
		2,477.02 SQ FT		
		5,343.26 SQ FT		

2 HYDROZONES SCHEDULE
NOT TO SCALE

The ICE rating should begin with the 315-page report of titled **EVALUATION OF CALIFORNIA WEATHER-BASED "SMART" IRRIGATION CONTROLLER PROGRAMS.** This report covers the operation of thousands of controllers installed with Proposition 13 funds to evaluate performance on irrigation controllers in the field.

The results of this field testing are shown in the chart below. This testing eliminates the five defects of the SWAT/IA testing.

- the 315 page report covers more than one year and is not limited to 30 days
- the 315-page report covers thousands of controllers, not one from each manufacturer
- the controllers are installed and programmed by homeowners and contractors, not the technical staff of the manufacturer, and monitored/verified by water districts
- the 315-page report shows wide variance of irrigation efficiency among the controllers that will provide the basis for an ICE rating system for irrigation controllers
- the report is on-going, will cover 5 year of operation and will reveal consumer resistance to paying on-going monthly signal fees for HydroPoint/Toro/Irritrol controllers

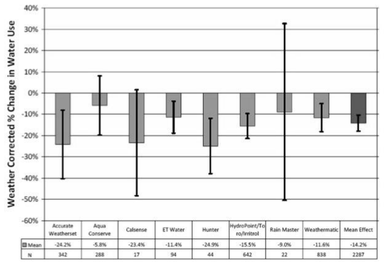
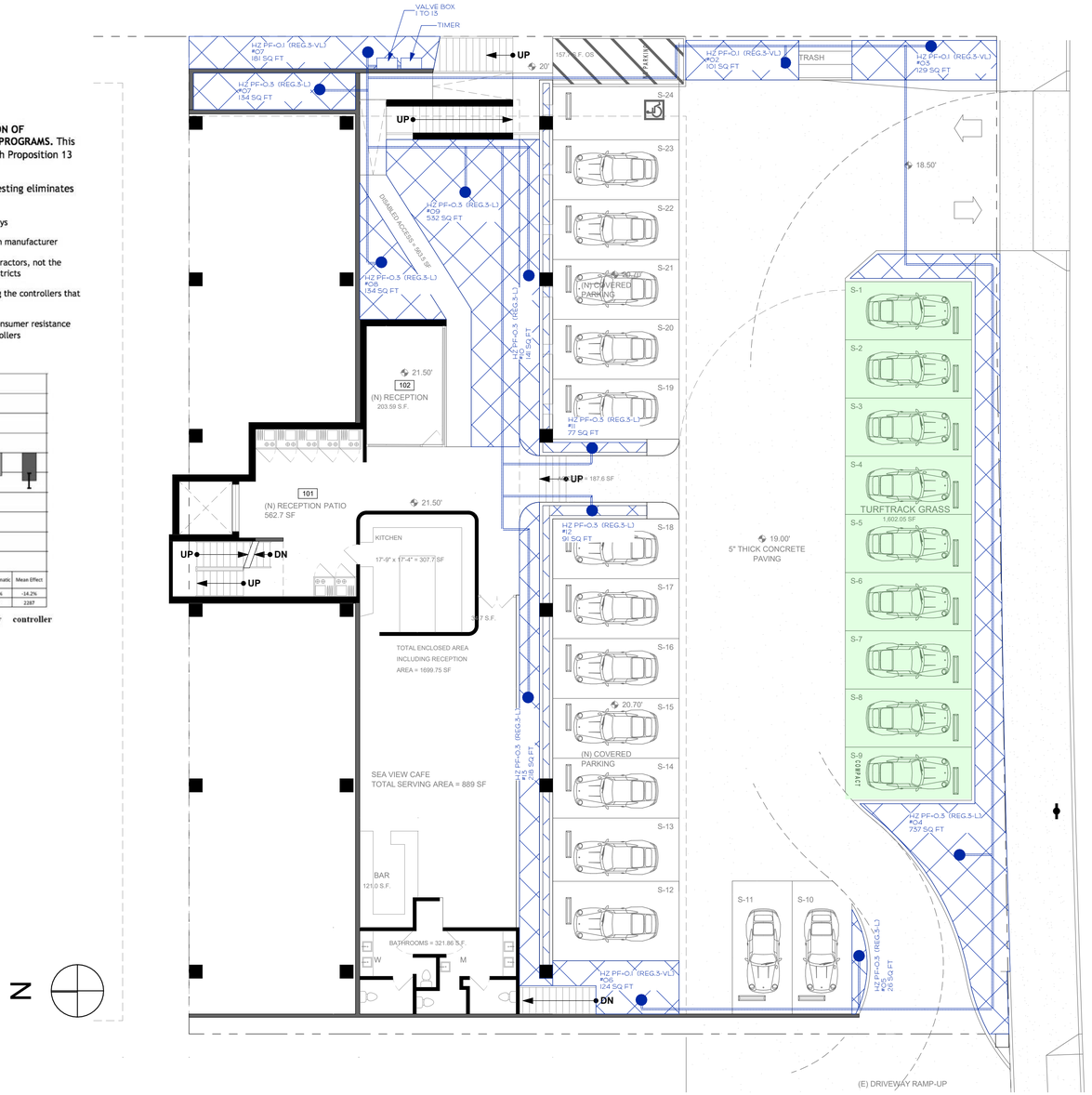
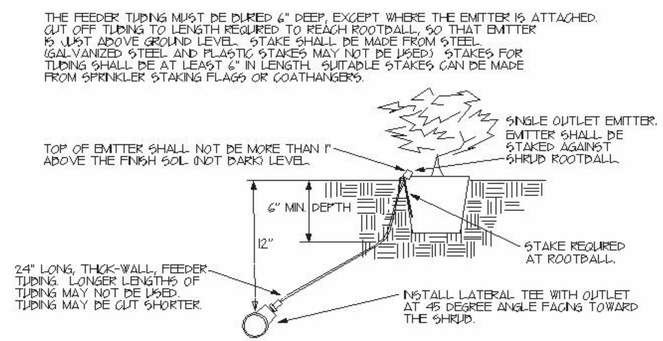


Figure ES.1: Weather-normalized % change in water use by controller manufacturer/brand with 95% confidence error bars



1 FIRST LEVEL - IRRIGATION PLAN
SCALE: 1" = 10'



4 SHRUB EMITTER DETAIL
NOT TO SCALE

VITUS MATARÉ & ASSOCIATES, INC.
P.O. BOX 1204, MALIBU, CA. 90265 P 310.317.0700

PLANNING DESIGN TECHNICAL COORDINATION EXPEDITING

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CITY OF MALIBU, , CA. 90265

APN 4452-022-010

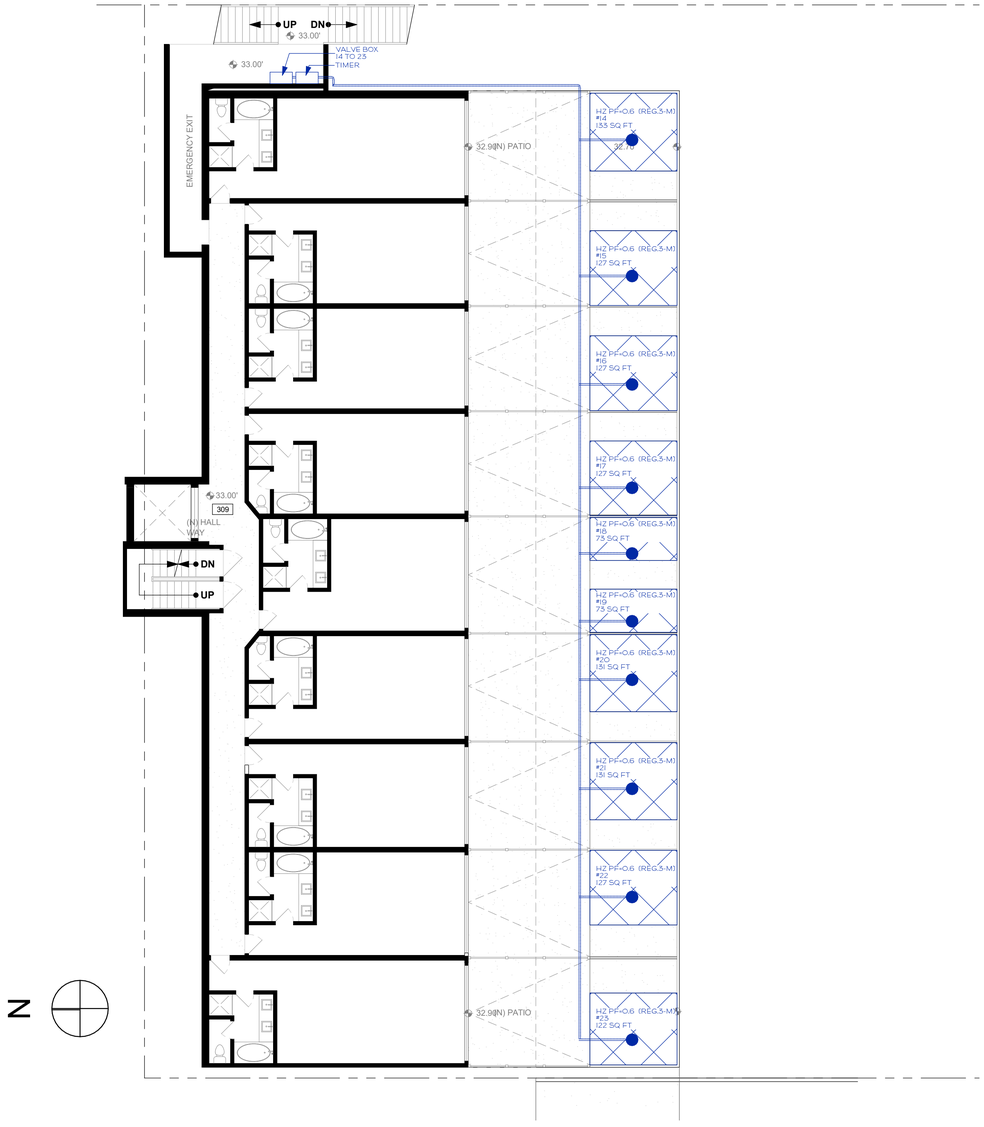
IRRIGATION PLAN - LOWER LEVEL

REV. #	DATE	SIGNATURE
00	02-27-21	

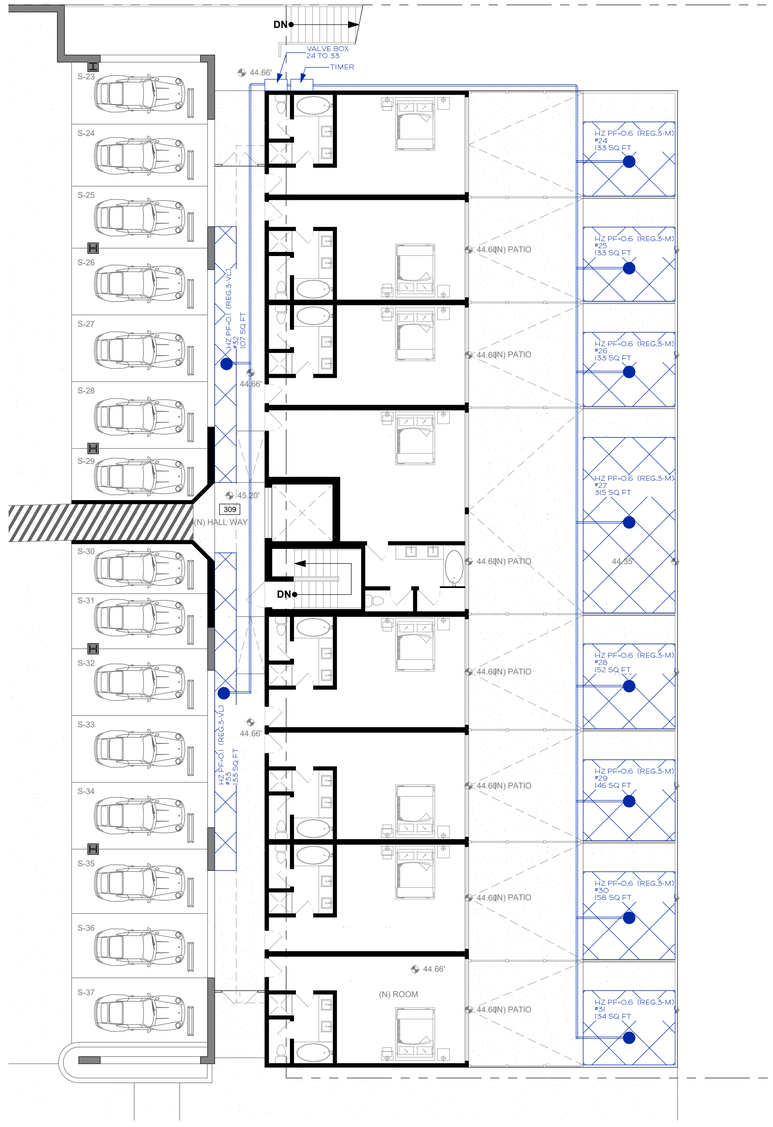
L-3

SHEET 4 OF 6

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1 SECOND LEVEL - IRRIGATION PLAN
SCALE: 1" = 10'



2 THIRD LEVEL - IRRIGATION PLAN
SCALE: 1" = 10'

LEGEND	
	3/4" IRRIGATION PVC PIPES
	HYDROZONE
	DESIGNATED HYDRATION ZONES

CATEGORY	ABBREVIATION	PERCENTAGE OF ET_O
VERY LOW	VL	<10
LOW	L	10-30
MODERATE / MEDIUM	M	40-60
HIGH	H	70-90

3 IRRIGATION LEGEND
NOT TO SCALE

VITUS MATARÉ & ASSOCIATES, INC.
P.O. BOX 1204, MALIBU, CA. 90265 P 310.317.0700

PLANNING DESIGN TECHNICAL COORDINATION EXPEDITING

MALIBU SEA VIEW HOTEL

22729 PACIFIC COAST HIGHWAY
CITY OF MALIBU, , CA. 90265

IRRIGATION PLAN - UPPER LEVELS

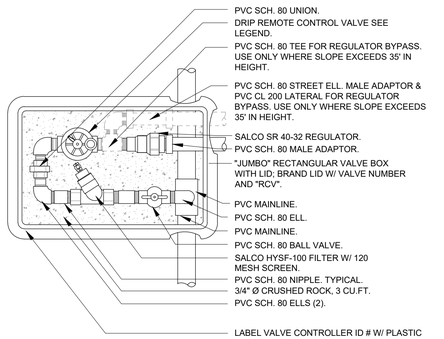
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REV. #	DATE	SIGNATURE
00	02-27-21	

L-4

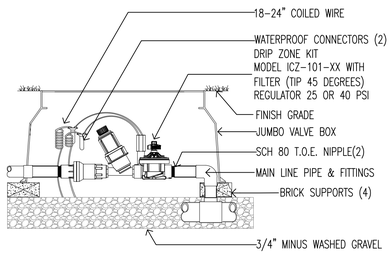
SHEET 5 OF 6

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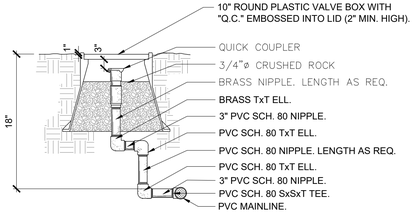
1 MASTER CONTROL VALVE

NOT TO SCALE



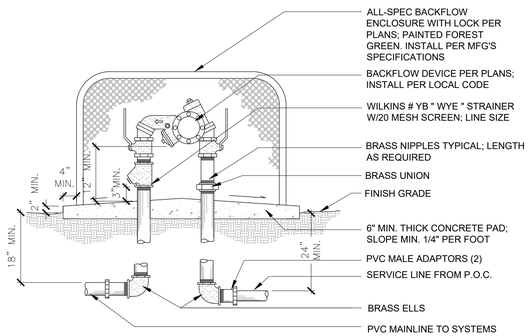
2 DRIP REMOTE CONTROL VALVE

NOT TO SCALE



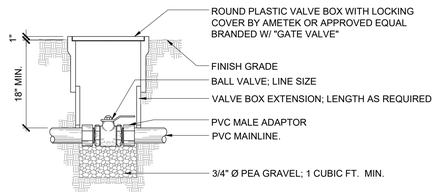
3 QUICK COUPLER

NOT TO SCALE



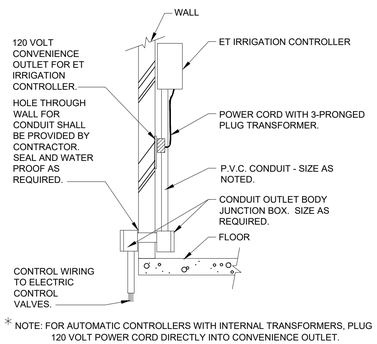
4 REDUCED PRESSURE BACKFLOW DEVICE

NOT TO SCALE



5 BALL/ GATE VALVE

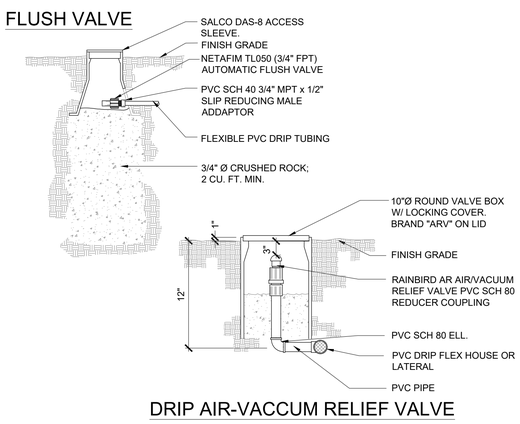
NOT TO SCALE



* NOTE: FOR AUTOMATIC CONTROLLERS WITH INTERNAL TRANSFORMERS, PLUG 120 VOLT POWER CORD DIRECTLY INTO CONVENIENCE OUTLET.

6 WALL MOUNT CONTROLLER

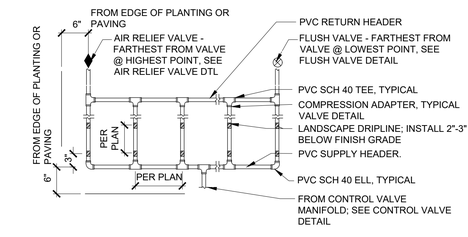
NOT TO SCALE



DRIP AIR-VACCUM RELIEF VALVE

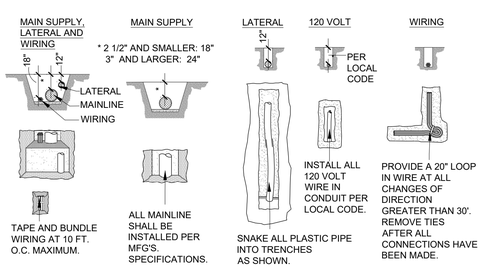
7 FLUSH VALVE& AIR/ VACUUM RELIEF VALVE

NOT TO SCALE



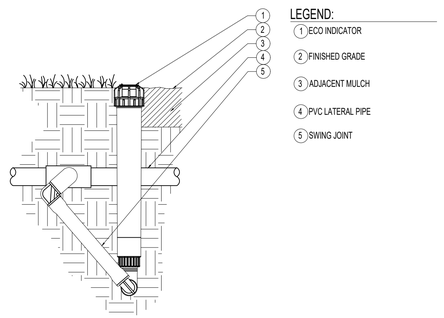
8 DRIP TUBING INSTALLATION

NOT TO SCALE



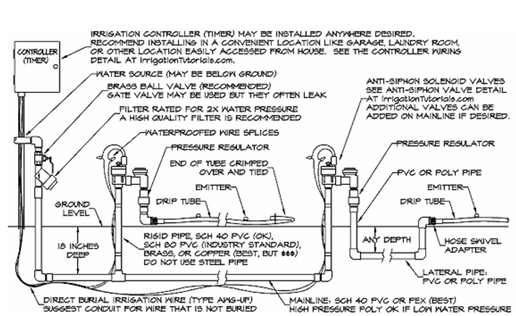
9 PIPING WIRING

NOT TO SCALE



10 ECO-DDRIP INDICATOR

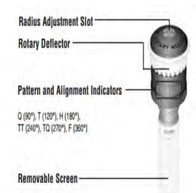
NOT TO SCALE



11 DRIP IRRIGATION COMPONENTS

SPRINKLER NOTES:

A. RAIN BIRD RN ROTARY HEAD SERIES:
SPRINKLER HEADS OFFER UP TO 20' ESTIMATED LANDSCAPE COVERAGE, WHILE BEING WATER EFFICIENT. THE ROTARY HEADS CAN BE USED FOR BOTH HILLSIDE AND SLOPE APPLICATIONS. THE ROTARY HEADS ARE TO BE USED IN SPRAY AND DRIP IRRIGATION SYSTEMS.



11 SPRINKLER DETAIL

NOT TO SCALE

VITUS MATARÉ & ASSOCIATES, INC.
P.O. BOX 1204, MALIBU, CA. 90265 P 310.317.0700
PLANNING DESIGN TECHNICAL COORDINATION EXPEDITING

MALIBU SEA VIEW HOTEL

22729 PACIFIC COAST HIGHWAY
CITY OF MALIBU, , CA. 90265

APN 4452-022-010

IRRIGATION DETAILS

REV. #	DATE	SIGNATURE
00	02-27-21	

L-5

SHEET 6 OF 6

THE IDEAS, DESIGN ARRANGEMENTS, DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS PREPARED BY VITUS MATARÉ & ASSOCIATES, INC. (VMA) FOR THIS PROJECT, AND VMA SHALL BE DEEMED THE AUTHOR OF THESE DOCUMENTS AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING THE COPYRIGHT. THE IDEAS, DESIGN ARRANGEMENTS, DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS SHALL NOT BE USED BY OR DISCLOSED TO A THIRD PARTY FOR ANY PURPOSE WITHOUT THE WRITTEN PERMISSION OF VITUS MATARÉ & ASSOCIATES, INC.

XIII.

Received
5/18/21
Planning Dept.

SEA VIEW HOTEL
DEVELOPMENT AGREEMENT

This Development Agreement (Agreement") is entered into on this _____ day of _____, 2021, by and between the following entities:

1. City of Malibu ("CITY"), a general law city duly organized and existing under the laws of the State of California, and

2. Sea View Terrace LLC, Las Tunas Beach LLC, and Grey Granite LLC; together the three limited liability companies are authorized to do business in the State of California and shall be referred to herein as "SEA VIEW."

CITY and SEA VIEW may be referred to individually as "Party" and collectively as "Parties."

1. RECITALS

This Agreement is made with respect to the following facts and for the following purposes, each of which is acknowledged as true and correct by the Parties:

1.1. SEA VIEW has submitted an application to CITY for the development of two parcels of land located at 22729 and 22741 Pacific Coast Highway, Malibu, California (the "Parcels.") The parcel located at 22729 Pacific Coast Highway shall be referred to herein as "Parcel A," and the parcel located at 22741 Pacific Coast Highway will be referred to herein as "Parcel B." The Parcels are described more specifically in Exhibit A, attached. A map showing the location of the Parcels is attached as Exhibit B. The application is for the project (the "Project") described hereinafter and more specifically shown on the approved Project plans and by the City-approved construction plans.

1.2. The Project consists of the following elements:

A. A 39-room hotel with a restaurant and associated facilities.

ATTACHMENT 3

The hotel project will include the remodel of an existing commercial building on Parcel B, located at 22741 Pacific Coast Highway, and the construction of a new building on Parcel A, located at 22729 Pacific Coast Highway. Parcel A is immediately adjacent to Parcel B on the entire west side and north side of Parcel A.

Parcel A and Parcel B will be merged together as a condition of the project's approval by the City and the California Coastal Commission.
The merge of the parcels will occur prior to the City's issuance of the construction permits required to build the project.

The operation of the hotel will include a Conditional Use Permit for the serving of alcoholic beverages in the restaurant, the guest rooms and decks, and the rooftop deck.

The hotel design includes some setback modifications and a number of modifications to the City's general commercial development standards, which are all required for the hotel to function properly and legally.

All of the proposed hotel design features and modifications to the City's general commercial development standards are all justified and are included in the plans that are approved by the City of Malibu.

B. An Amendment to CITY's zoning map and Local Coastal Program (LCP) land use map changing the land use designation from Community Commercial ("CC") to Commercial Visitor Serving-2 ("CV-2").

C. An Amendment to CITY's General Plan and Local Coastal Program (LCP) as stated below:

    1) The LCP Land Use Plan will be amended as follows: the designated land use of the Parcels will be changed from a Community Commercial use, ("CC"), to a Visitor Serving Use ("CV-2").

The reason for the land use change is to allow for the development of a hotel on the Parcels and CV-2 is the only land use category that will permit a hotel use.

2) A provision in Malibu's General Plan and LCP Land Use Plan, Section 30244, subsection C-2, under the heading "Commercial Visitor Serving (CV)", which limits the maximum Floor Area Ratio, will not apply to the Project Parcels. This provision is required for the 39-room hotel to be economically viable, and the proposed hotel is the use that will achieve the goals, objectives and policies specified in Malibu's General Plan and LCP to the greatest extent possible. The requested LCP amendment is required because of the existence of a very unique situation in which the current legal permitted uses of the parcels can achieve only a very small fraction of the goals and objectives specified in the CITY's General Plan and LCP when compared to the proposed hotel use.

Page 1-48 of Malibu's General Plan states that "Visitor Serving uses such as motels and hotels shall be consistent with compatible accessory uses, shall protect the surrounding properties, shall ensure safe traffic circulation, and shall promote economically viable visitor serving areas of the City."

D. The proposed project and any modification to the project will be implemented in accord with the provisions in this Development Agreement and the Sea View Hotel Overlay District which are an integral part of the project approval and the terms of the future development of the land contained in Parcel A and Parcel B.

1.3. Government Code §65864, *et seq.* authorizes CITY to enter into binding development agreements such as this Agreement with persons having legal or equitable interests in real property in order to, among other things, provide certainty in the approval of development projects so as to strengthen the public planning process, encourage private participation in comprehensive planning, provide needed public facilities, make maximum efficient utilization of resources at the least economic cost to the

public and avoid waste of resources escalating the cost of development to the consumer. This Agreement provides assurances to SEA VIEW that, if the Project is approved, during the term of this Agreement it may be implemented in accord with the Sea View Hotel Overlay District and CITY's official policies, ordinances, rules and regulations in force as of the date the ordinance approving this Agreement was approved by the City Council;

1.4. Pursuant to Government Code §65865, CITY has adopted rules and regulations for consideration of development agreements, and proceedings have been taken in accordance with CITY's rules and regulations;

1.5. By entering into this Agreement, CITY shall bind future City Councils of CITY by the obligations specified herein and limit the future exercise of certain of its governmental and proprietary powers to the extent specified in this Agreement and permitted by law;

1.6. The terms and conditions of this Agreement have undergone extensive review by CITY and the City Council. CITY and SEA VIEW acknowledge and agree that the consideration to be exchanged pursuant to this Agreement is fair, just and reasonable;

1.7. This Agreement and the Project which is the subject of this Agreement are consistent with the goals and objectives in CITY's General Plan, and its LCP;

1.8. All actions taken and approvals given by CITY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, including hearings by the planning commission and legislative body, findings, votes, and other procedural matters;

1.9. Development of the Project will further the comprehensive planning objectives by achieving the goals and objectives specified in CITY's General Plan and LCP, which include the following:

1.9.1. The Project will result in the reduction of traffic on Pacific Coast Highway as verified by a highly accredited California State licensed Traffic Engineer. The Traffic Engineer's analysis verified that the uses of the existing building, including a spa, salon, doctor's offices, a gym and other businesses currently generate more traffic on PCH than the proposed 39-room hotel will generate.

1.9.2. Safety will be increased for travelers on Pacific Coast Highway as a result of the proposed Project reducing traffic on Pacific Coast Highway. Additionally, the Project will reduce the number of existing active driveways permitting vehicles to enter and exit Pacific Coast Highway by 50% and thereby reduce a major contributor to accidents on Pacific Coast Highway which will greatly increase safety for travelers on Pacific Coast Highway. The westerly access drive will be available to emergency vehicles and large trucks.

1.9.3. The proposed project is consistent with the character of the neighborhood.

The proposed hotel is in the most dynamic and vibrant commercial district in the entire CITY; there is a public crosswalk and stop light within 220± feet of the proposed hotel, which will allow visitors to cross PCH safely to a 10-foot-wide public access to the beach; many restaurants and historical places of interest are within easy walking distance of the proposed hotel site including the famous Nobu Restaurant and many other restaurants, the Malibu Pier, the Adamson House, the Malibu Lagoon, and Surfrider Beach. The proposed hotel is in the very best commercial location for a small hotel and will provide needed overnight accommodations to visitors and City citizens.

1.9.4. The proposed project will greatly improve the visual resources as seen by travelers on Pacific Coast Highway, the most traveled Scenic Highway in Malibu. The parcel that contains the remaining structures from the abandoned Shell Gas Station is the only parcel in Malibu that the City Planning Department has identified as a "visual blight", and

the hotel project will eliminate this blight.

The project will also landscape the 20 feet adjoining PCH, excepting the access drives.

In addition to the above, the hotel structure will be located 46+ feet from Pacific Coast Highway, which is almost twice the required front yard setback if Parcel A were to be developed independently of Parcel B; this setback will increase the openness of the peripheral view of travelers on PCH.

1.9.5. The proposed hotel will reduce pollution in the City and the world.
The reduction in traffic and the increase in safety will reduce congestion, which will reduce the amount of time that cars are traveling on PCH, which will reduce the carbon dioxide and tire dust currently being spewed into the atmosphere. Additionally, the hotel will provide six electric charging stations and will recharge guests' electric cars at no cost.

1.9.6. The hotel will increase funding for low to moderate overnight accommodations. The Project will include a component to increase lower cost overnight visitor accommodations in accord with CITY's LCP, LIP Section 12.11, "New Luxury Overnight Accommodations."

1.9.7. The hotel project will reduce congestion on PCH. The project is designed to provide that all loading and unloading of packages will occur onsite and all construction staging can occur onsite in the extensive front yard setback area. These design features and the previously referenced reduction in traffic and increases in safety will assist in reducing congestion on PCH.

In addition to the above, the hotel design substantially complies with Malibu's onsite parking requirements which will insure that hotel guests and employees will all park onsite and will not be trying to find offsite parking which is a contributor to traffic, accidents, and congestion on PCH.

1.9.8. The hotel will generate funds that can be used to assist the City in providing many benefits and amenities for its citizens and the general public, including but not limited to, soccer fields, charging stations for City electric cars, a skate park, an aquatic center, and to help the City fund acquisition of commercially zoned property.

The Transient Occupancy Tax generated by the hotel is estimated to provide the City with more than $1,300,000 every year. Additionally, the mitigation for an increase in Floor Area Ratio will provide the City with $400,000 at the time the construction permits are issued.

1.9.9. The Project will increase much needed short term visitor serving overnight accommodations.

The City has 27 miles of shoreline with beautiful beaches and mountains, however the City has only one small, 47-room hotel and five motels. The hotel was approved 32± years ago before Malibu incorporation and the motels were constructed over 50 years ago. Three of the motels have been remodeled and 8 rooms were eliminated in the process.

The need for additional short-term overnight accommodations is verified by the increase in Airbnb short-term rentals in Malibu's Rural Residentially Zoned areas, which is equivalent to a commercial use in a residentially zoned area.

Currently, the City has only one parcel zoned for a hotel, besides the existing 47-room hotel, and that parcel was recently approved for a cemetery. The proposed hotel is consistent with the needs of the community and Malibu's LCP.

1.9.10. The Project will increase the City's firefighting capability.

The owner of the hotel project will pay for the design and participate in the cost of installing a new 20" diameter

check valve near the intersection of Topanga Canyon Road and PCH so water from two water tanks containing 4.0± million gallons of water close to the top of Topanga Canyon can provide additional water flow into the major water main in PCH during times of an emergency. The cost of replacing the check valve is estimated to be $400,000 to $500,000.

1.9.11. The Project will provide emergency overnight accommodations to Malibu's citizens during times of emergencies. When an emergency occurs in the City which prevents homeowners from occupying their homes, the hotel will provide rooms for a minimum of six weeks at 50% of its average nightly rates. The hotel will be 100% sprinklered, and the 9,500 square foot enclosed garage is 2-hour rated and defined as a "place of refuge" by the Los Angeles County Fire Department.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual terms, covenants, conditions, promises and benefits contained herein, and for other good and valuable consideration, the Parties agree as follows:

2. DEFINITIONS

For the purposes of this Agreement, the following terms shall have the meanings set forth below:

2.1. "Agreement" means this Development Agreement.

2.2. "Sea View Hotel Overlay District" means the Overlay District that applies to the land within the parcels located at 22729 and 22741 Pacific Coast Highway, Malibu.

2.3. "Vesting Date" means the date on which the Project is filed complete.

2.4. "CITY" means the City of Malibu, a general law city, duly organized and existing under the laws of the State of California.

2.5. "SEA VIEW" means Sea View Terrace LLC, Las Tunas Beach LLC, and Grey Granite LLC.

2.6. The "Project" means the Project described in Sections 2.14.3 and 5.1.

2.7. "Development" means the entitlement, and improvement of the Property for the purposes of completing the structures, improvements and facilities described herein including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project (as such Project may be approved) whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping, septic system, retaining walls, drainage devices, retention ponds, drive aisles with at grade parking, a basement, fire department turnarounds, water features, and hardscaping.

2.8. "Development Agreement Statute" means Government Code § 65864, *et seq.* as it exists on the Effective Date.

2.9. "Project Approvals" means all plans, permits, and other entitlements for use of every kind and nature, whether discretionary or ministerial, necessary in connection with development of the Project in accordance with this Agreement, which may include but are not limited to:

2.9.1. Compliance with the California Environmental Quality Act, Public Resources Code § 21000, *et seq.* ("CEQA");

2.9.2. Plot Plans;

2.9.3. Site Plan Review;

2.9.4. Coastal Development Permits;

2.9.5. General Plan Amendments;

2.9.6. Local Coastal Program amendments;

2.9.7. Zone text amendments;

2.9.8. Conditional Use Permits, including, but not limited to the consumption of alcoholic beverages and staging of entertainment;

2.9.9. Minor modifications;

2.9.10. Variances to Development Standards;

2.9.11. Grading and building permits;

2.10. The "Applicable Rules" shall consist of the following:

2.10.1. CITY's General Plan and Local Coastal Program (LCP) and the fee schedule as they exist on the Vesting Date;

2.10.2. CITY's Municipal Code, including those section of the Zoning Code which are applicable to the development of the Property, as the Municipal Code exists on the Vesting Date;

2.10.3. Such other laws, ordinances, rules, regulations, Overlay Districts, and official policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the development of the Property in force at the time of the Vesting Date;

2.11. "Development Exaction" means any requirement of CITY in connection with or pursuant to any Applicable Rule or Project approval, the construction of improvements or public infrastructure and facilities, or the payment of any type of fees, taxes, and assessments in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. There are no impacts of the development on the environment or other public interest. The opposite is true.

2.12. "Subsequent Rules" means any change in the Applicable Rules, except as provided in Section 2.13, including, without limitation, any change in applicable general plan or specific plan, local

coastal program zoning, or subdivision regulation, adopted or becoming effective after the Vesting Date, excluding any such change processed concurrently with this Agreement, but including, without limitation, any change effected by means of an ordinance, initiative, resolution, policy, order or moratorium, initiated or instituted for any reason whatsoever and adopted by the City Council, the Planning Commission or any other board, agency, commission or department of the CITY, or any officer or employee thereof, or by the electorate, as the case may be (collectively the "Subsequent Rules"), which would, absent this Agreement, otherwise be applicable to the Property, shall not be applied by the CITY to any part of the Project, except as SEA VIEW may consent to the application thereof pursuant to Section 3.1 of this Agreement.

2.13. "Reservations of Authority" means the rights and authority excepted from the assurances and rights provided to SEA VIEW and reserved to CITY under this Agreement. Notwithstanding any other provision of this Agreement, the following Subsequent Rules shall apply to the development of the Property.

2.13.1. Processing fees and charges imposed by CITY to cover the estimated actual costs to CITY of processing applications for development approvals and permits for monitoring compliance with any development approvals or permits granted or issued.

2.13.2. Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

2.13.3. Regulations governing construction standards and specifications including without limitation, the CITY's Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and Grading Code.

2.13.4. Regulations that otherwise would not apply to the development of the Property or Project for which SEA VIEW has given its written consent to the application of such

regulations pursuant to Section 3.1 of this Agreement.

2.14. "Projects" shall mean the Project that SEA VIEW has applied for.

2.14.1. Project Parcels Descriptions

2.14.1.1. "Parcel A," identified as Assessor's Parcel Number 4452-022-010, at 22729 Pacific Coast Highway, Malibu, California, and legally described in Exhibit A.

2.14.1.2. "Parcel B," identified as Assessor's Parcel Number 4452-022-017, at 22741 Pacific Coast Highway, Malibu, California, and legally described in Exhibit A.

2.15. "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns, including without limitation the purchaser at a judicial or non-judicial foreclosure sale or a person or entity who obtains title by deed-in-lieu of foreclosure on the Property.

3. VESTED DEVELOPMENT RIGHTS

3.1. SEA VIEW is hereby granted the vested right to develop the Project on the Parcels, subject to the Applicable Rules, the Project Approvals, and any future approvals applied for by SEA VIEW, or its successors, and granted by the CITY for the Project (the "Future Approvals").

3.1.1. Vested Development Rights. Notwithstanding any future action of the CITY, whether by ordinance, resolution, initiative, or otherwise, the Applicable Rules shall govern the development of the Project during the term of this Agreement, except and subject to the Reservations of Authority and the terms of this Agreement. In developing the Property, SEA VIEW is provided, and assured, the vested right to require that the rules governing the development of the Project during the term of this Agreement shall be as provided in this Agreement, and shall permit the project to be constructed as approved by

the City and the Coastal Commission. SEA VIEW in its sole discretion may elect to be subject to any Subsequent Rules that may be enacted.

Any such election by SEA VIEW shall be made in its sole discretion and shall be in writing.

3.1.2. This Agreement does not (1) grant density in excess of that established in the Project Approvals, (2) supersede, nullify or amend any condition imposed in the Project Approvals, (3) guarantee to Owner any profits from the Project, or (4) prohibit or, if legally required indicate Owner's consent to, the Property's inclusion in any public financing district or assessment district, except as specified herein.

3.2. Purposes of Agreement. This Agreement is entered into in order to provide a mechanism for planning and carrying out the Project in a manner that will ensure certain anticipated benefits to both CITY, including without limitation the existing and future residents of CITY, and SEA VIEW, and to provide to SEA VIEW assurances regarding the land use regulations that will be applicable to the development of the Property, including but not limited to, those land use regulations relating to timing, density and intensity of development, that will justify the undertaking and commitments of SEA VIEW described in this Agreement and the investment in planning and development of the major on-site infrastructure and improvements needed for the Projects.

3.3. Modification or Suspension by State or Federal Law. In the event that state or federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, those provisions shall be modified or suspended as may reasonably be necessary to comply with such state or federal laws or regulations; provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations unless compliance with such state or federal laws or regulations causes a material breach or failure of consideration.

Upon repeal of any such law or regulation, or the occurrence of

any other event removing the effect thereof, the provisions of this Agreement shall be restored to their original effect.

3.4. Ownership of Property. SEA VIEW represents and covenants that it is the owner of the fee simple title to the Property.

3.5. Binding Effect of Agreement. All of the Property shall be subject to this Agreement. The burdens of this agreement are binding upon, and the benefits of the Agreement inure to, the CITY and SEA VIEW. Any and all rights and obligations that are attributed to SEA VIEW under this agreement shall run with the land, subject to the assignment of provisions of Section 4 of this Agreement.

3.6. Term. The term of this Agreement shall commence on the date that the project is finally approved by the City, and shall continue for a period of ten years thereafter unless this term is modified or extended pursuant to the provisions of this Agreement.

3.6.1. The Term of Project Approvals. The term of each of the Project Approvals, shall be extended through the termination date of this Agreement.

3.6.2. Tolling of Term of Agreement. The term of this agreement shall be tolled during the time the Project is pending before the California Coastal Commission. The term of this Agreement shall be tolled during any period of time during which a development moratorium is in effect. For purposes of this Agreement, a development moratorium shall be deemed to exist (i) during the period that any action or inaction by CITY or other public agency that regulated land use, development or the provision of services to the land prevents, prohibits or delays the use of the approval or the construction of the Project or (ii) during the period any lawsuit is pending brought by any third party concerning this Agreement, any of the Project Approvals, including pursuant to CEQA, or any Subsequent Approval.

Any tolling pursuant to this Agreement of the

commencement, or running, of SEA VIEW's ten-year vesting period will likewise, for an equal period of time, toll the performance of CITY's obligations.

3.7. Bargained For Reliance by Parties. The assurance of the CITY to SEA VIEW and of SEA VIEW to the CITY, in this Agreement are provided pursuant to, and as contemplated by, the Development Agreement Statute, and are bargained for, and in consideration of, the undertakings of SEA VIEW and the CITY set forth in this Agreement.

4. ASSIGNMENT

4.1. SEA VIEW may assign or transfer its rights and obligations under Agreement with respect to the Property, or any portion thereof, pursuant to the following provisions.

4.2. Right to Assign. SEA VIEW shall have the right to sell, transfer or assign the Property, in whole or in part (provided that no such partial transfer shall be made in violation of the Subdivision Map Act, Government Code § 66410, *et seq.*), to any person, partnership, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement with respect to the property transferred.

4.3. Partial Transfers. The Property currently consists of two parcels. As long as the two parcels are used and operated as a hotel, the two parcels shall be held together and shall be owned by the same entity.

5. DESCRIPTION AND PROCESSING OF THE PROJECT

5.1.

5.1.1. General Project Description. The Project consists of the development of two adjacent parcels of land, Parcel A and Parcel B into a 39-room Hotel, Restaurant, and associated facilities. The Project also includes landscaped areas, open space areas, and 91 valet parking spaces.

The details of the Project are clearly described and shown on the Project plans, and will be further defined by the approved and permitted construction plan, this development agreement, and the Sea View Hotel Overlay District.

It is noted that Parcel B was fully developed with valid approvals and permits from the City of Malibu and the California Coastal Commission and, accordingly, the improvements to Parcel B will involve an internal remodel and modifications to meet ADA access laws and the Fire Department's requirements for emergency exit stairs. Although this project description discusses the portion of the proposed project on Parcel A and on Parcel B, the parcels will be merged into a single parcel to allow for development across the common property lines to improve the design of the hotel so the hotel can function properly with respect to access, wastewater treatment facilities, and parking facilities.

The proposed development includes the merging of Parcel A and Parcel B into a single Parcel.

The merging of two parcels will eliminate the common property lines that separate Parcel A and Parcel B which will eliminate some inconsistencies with respect to Malibu's development setback standards, will allow the buildings to be connected in the future, and to function more efficiently as a hotel. Although the project includes the merging of Parcel A and Parcel B, the parcels will continue to be referenced in the description of the project.

The development plans may be modified consistent with the City's development standards and the floor area ratio specified herein. Said modifications may include dividing one or two of the largest guest rooms into one or two additional guest rooms and/or creating an additional guest room by modifying an area in the existing building on Parcel B that has been included in the total floor area in accord with the City's current development standards, i.e. the area is already 60% enclosed and permitted, and

includes covered breezeways. Additionally, and subject to the City's geology department and the project's structural engineer, a subterranean pedestrian access may be incorporated into the plans, from the first floor, adjacent to the elevator and reception area, extending northerly beneath the surface of the ground and the existing parking structure to an elevator that will take guests up to the existing elevator area in the existing building; the walkway would be entirely beneath the ground and not visible except for the access door on the first floor; -- the walkway would be a basement. Additionally, the specified floor area ratio includes a portion of the area between Parcel A and Parcel B because this area provides access to eight rooms and the merging of the parcels will allow this access to be covered.

The Agreement will permit modifications to the approved plans provided that said modifications are consistent with the provisions in the City's Municipal Code and the L.C.P.

5.1.2. General Parcel By Parcel Breakdown of the Project. The following summarizes the Project.

5.1.2.1. Parcel A is at 22729 Pacific Coast Highway and is the site of an abandoned Shell Gas Station. The property is currently and temporarily being used as a hand car wash and is leased for parking.

The parcel is located adjacent to and 26± feet below the floor of the parking garage of the existing building at 22741 Pacific Coast Highway, herein referred to as Parcel B. Parcel A is located adjacent to and south of Parcel B.

Parcel A is also adjacent to Pacific Coast Highway and will provide the primary access to the hotel from Pacific Coast Highway. The area adjacent to Pacific Coast Highway is relatively flat, however, the most northerly

27± feet of the property rises up 10± feet and is supported by a retaining wall; this topographic increase in height allows for a third level of development without violating the City's development height standards, or the City's restriction that limits new building to no more than two-story sections.

Parcel A is approximately 18,375 square feet of land area and will be developed with a new building.

The first level of the hotel will be located on Parcel A and will provide 31 valet parking spaces with six electric car charging ports, the reception area, front desk, and a small restaurant and kitchen; the basement level will contain an area for linen storage, liquor storage, employee changing rooms with bathrooms, and recreational facilities for the hotel guests. The second level of the hotel will be developed with nine guest rooms including large decks adjacent to each room overlooking the ocean which will serve as private patios furnished with a landscaped area, jacuzzi, lounges, etc. The rooms will be accessed by a subterranean hallway cut into the hillside and invisible, and therefore not included in the FAR.

The third level will be developed with 8 guest rooms with large decks adjacent to each room overlooking the ocean and furnished similar to the decks described above. All three levels and basement area will be connected with an elevator and stairs which are consistent with ADA requirements.

The Project includes modifications to the City's commercial development standards which are required due to the following:

a) The Los Angeles County Fire Department's emergency access and exit requirements.

b) Exception to the commercial standards to bring the project into conformity with the character of the neighborhood.

c) ADA access laws.

d) Potential differences in interpretations with respect to what qualifies as landscaped areas and open space areas. The justifications for the Project modifications to the City's general development standards have been justified as required in Malibu's Municipal Code and Local Coastal Program.The referenced modifications or exceptions to any development standards are also permitted in the Sea View Hotel Overlay District.

The Project plans provide a more detailed description of the Project, which will be further defined by the approved and permitted construction plans.

Parcel A is legally described in Exhibit A attached.

5.1.2.2. Parcel B is at 22741 Pacific Coast Highway and has 33,384 square feet of land area. Topographically, the existing building on Parcel B is located midway up a hill that rises northerly, so the lowest floor of the building, the garage floor, is 26± feet above the flat area of Parcel A below. The existing building

on Parcel B has a floor area of 12,889± square feet in accord with the interpretation of the commercial development standards at the time the City approved the building. The current interpretation of what qualifies as enclosed areas including breezeways, daylighting basements, etc. has substantially increased the floor area as currently interpreted. The building includes a 9,500± square-foot semi-subterranean garage. The building is notched into the hillside so each level steps back northerly and upward relative to the level below consistent with the natural topography of the hillside. The building was approved and permitted by the City of Malibu.

The building's tenant improvement plans that were stamped "City of Malibu approved" by the Planning Department and the Environmental and Building Safety Department" are compared to the interior remodel plans required to create 22 guest rooms of the hotel as shown on Exhibits E-1, E-2 and E-3 of the hotel plans.

The hotel design requires the removal of less than 10% of the building's exterior walls and will not increase the existing floor area in accord with current development standards.

Ten of the above referenced 22 hotel guest rooms will be located on the level above the garage, which is also one level above the proposed third level of that portion of the hotel that will be located predominantly on Parcel A; accordingly the referenced ten guest rooms will be the fourth level of the hotel. The level above the fourth level will have 6 guest rooms and is the fifth level of the hotel. The level above the fifth level has

six additional guest rooms and is the sixth level of the hotel. Above the sixth level is an existing rooftop deck/patio, ac units, etc. The existing rooftop deck is tiled and drains to the north at a 2%± slope; the deck will be covered with a non-flammable wood deck with planks that are spaced ¼" apart to allow water to drain through to the tiled deck below.

The proposed wood deck surface will not slope to the north like the tiled surface; however, it will not be any higher than the southerly flat portion of the existing roof. The rooftop deck will have a small swimming pool sunken into the area between the ceiling below and the top of the roof deck. All of the referenced 22 guest rooms will have large decks overlooking the ocean and furnished with lounge chairs, jacuzzis, umbrellas, landscaping, etc.

All of the rooms and the rooftop deck will be connected with stairs and an elevator; the existing elevator will be extended upward to provide ADA access to the rooftop deck. The portion of the Project located on the area within Parcel B will require an exception to the City's development standards for the extension of the existing elevator to the rooftop deck, which is required by ADA laws, and the encroachment of emergency exit stairs into a portion of the east sideyard setback area as required by the Los Angeles County Fire Department.The Project plans provide a more detailed description of the Project, which will be further defined by the approved and permitted construction plans.
The proposed development plans and the description of development contained herein may be modified from time to time in the

future including, but not limited to, the number of guest rooms, the number and location of access walkways, etc., provided the modifications are not inconsistent with the Sea View Hotel Overlay District.

Less than 10% of the exterior walls of the existing building will be removed and replaced.

Parcel B is legally described in Exhibit A attached.

5.1.3. Summary of Entitlements for the Project.

5.1.3.1. Coastal Development Permit. In accordance with § 13.3 of the LCP, the Project will require a Coastal Development Permit, which will permit the development of buildings, landscaping, drainage devices, septic system, roadways, etc.

5.1.3.2. Local Coastal Program Amendment. Pursuant to Sections 3.8 and 13.28.1 of the LCP, an LCP Amendment is required for the Project.

5.1.3.3. Development Agreement. This Agreement between the CITY and SEA VIEW is entered into pursuant to 3.1, 3.3 and 13.28 of the LIP, which require that projects proposing FAR greater than .15 are processed in accordance with either a development agreement (DA) or as a planned development (PD). In either case, the DA or the PD must also be subsequently certified by the California Coastal Commission as an LCP Amendment. SEA VIEW has elected to utilize this Development Agreement.

5.1.3.4. Zone Text Amendment. A Zone Text Amendment shall be required to establish

new development standards for the Project in accordance with section 3.8(A)(5)(f) of the CITY's LCP.

5.1.3.5. Parcel Merger. Parcel A and Parcel B will be merged as a condition of the City's approval of the project.

5.1.3.6. Conditional Use Permit. A Conditional Use Permit is required for restaurants, in accordance with Section 3.3(k) of the LIP, Table B of the LIP and Sections 17.28 CV-2 and 17.66 of the CITY's Municipal Code. A conditional Use Permit is being applied for which will permit the serving of alcoholic beverages and providing entertainment.

5.1.3.7. General Plan Map Amendment. A General Plan Amendment shall be required in accordance with Section 17.74.030 of the CITY'S Municipal Code.

5.1.3.8. Zoning Map Amendment. A Zoning Map Amendment shall be required in accordance with Section 17.74.050 of the CITY'S Municipal Code.

5.2. Fees, Exactions, Mitigation Measures, Conditions, Reservations and Dedications. All development Exactions that are applicable to the Project or the Property are established by the Applicable Rules, the Project Approvals and this Agreement.

Other than as set forth herein, this section shall not be construed to limit the authority of CITY to charge SEA VIEW the then current normal and customary application, processing, and permit fees for land use approvals, building permits and other similar permits, which fees are designed to reimburse CITY's actual expenses attributable to such application, processing and permitting and are in force and effect on a CITY-wide basis at the time application is filed complete. SEA VIEW waives any and all rights it may have to

challenge development fees that are in force as of the Vesting Date.

SEA VIEW retains the right to challenge amended or increased development fees enacted after the Vesting Date.

5.3. Plan Review. Plans for each building of the Project, including plans for signage, trash enclosures and screening and landscaping, shall be reviewed and approved by the City's Planning and Building and Safety Director prior to issuance of a building permit; provided, however, that the sole purpose of such review shall be to verify consistency with this Development Agreement, Development Standards, Exceptions to the Standards as approved by the City Council, the Applicable Rules and Project Approvals.

5.4. CITY Processing of Permit Applications On An Expedited Basis. The CITY shall expedite the processing of all permits needed for the Project at SEA VIEWS expense, including, but not limited to, all plan checking, excavation, grading, building, encroachment and street improvement permits, certificates of occupancy, utility connection authorizations, and other permits or approvals necessary, convenient as appropriate for the grading, excavation, construction, development, improvement, use and occupancy of the Project in accordance with the CITY's accelerated plan check process under the Applicable Rules. Without limiting the foregoing, if requested by SEA VIEW, the CITY agrees to utilize contract planners and plan checkers (at SEA VIEW's sole cost), and any other reasonably available means, to expedite the processing of Project applications and approvals, including concurrent processing applications by various CITY departments.

5.5. Issuance of Building Permits. The CITY shall not unreasonably withhold or condition any ministerial permit provided SEA VIEW has satisfied all requirements for such permits.

5.6. Timing of Development. The Parties acknowledge that SEA VIEW cannot at this time predict when or the rate at which the Property will be developed. Such decisions depend upon numerous factors which are not within the control of SEA VIEW, such as market orientation and demand, interest rates, completion and other similar factors.

In *Pardee Construction Co. v. City of Camarillo (Pardee)*, 37 Cal.3d 465 (1984), the California Supreme Court held that the failure of the parties therein provide for the timing or rate of development resulted in a later-adopted initiative restricting the rate of development prevailing as against the parties' agreement. CITY and SEA VIEW intend to avoid the result in *Pardee* by acknowledging and providing that SEA VIEW shall have the right to develop the Property in such order and at such rate and times as SEA VIEW deems appropriate solely within the exercise of its subjective business judgement, but SEA VIEW shall have no obligation to develop the Project or the Property.

5.6.1. In furtherance of the Parties' intent, as set forth in this Section 5.6 no future amendment of any existing CITY ordinance or resolution, or future adoption of any ordinance, resolution or other action, that purports to limit the rate or timing of development over time or alter the sequencing of development phases, whether adopted or imposed by the City Council or through the initiative or referendum process, shall apply to the Property or the Project.

5.6.2. Moratorium. The CITY shall not impose a moratorium on the Property or Project unless the CITY has made legislative findings that there is a current and immediate threat to the public health, safety or welfare and that the approval of the entitlement sought by SEA VIEW would result in that threat to public health, safety or welfare, and provided that the CITY as otherwise complied with all applicable law.

5.7. Consistency With Use Designation.

5.7.1. In the unexpected event that SEA VIEW or the successor in interest to the ownership of Parcels A and B and the hotel buildings determines, at their sole discretion, that the use of the parcels and buildings as a hotel would result in economic failure then the buildings may be used for an alternative use providing the use is listed as permitted in

the CV-2 Land Use Designation in CITY's LCP.

6. PROJECT HEARINGS

6.1. Hearing Schedule. The requirements for notice and hearing are governed by the applicable sections of the CITY's LCP and Municipal Code.

6.2. Coastal Commission. If the Project is considered by the California Coastal Commission, and during that consideration modified, then the matter shall be placed on the Planning Commission agenda and, if required, on the City Council agenda, consistent with legal noticing requirements, at the earliest reasonable opportunity, subject to Section 7.3.1.

6.2.1. If the Project is modified by the California Coastal Commission, SEA VIEW in its sole discretion may elect not to proceed with the hearing process. The CITY retains its legal discretion to disapprove a modified project after it conducts the required public hearing process.

6.2.2. Notwithstanding the provisions in paragraph 6.2 and 6.2.1, modifications approved by the California Coastal Commission associated with providing low to moderate income overnight accommodations shall be acceptable to the City.

7. DEFAULT AND REMEDIES

7.1. Default. Either Party to this Agreement shall be deemed to have breached this Agreement if it materially breaches any of the provisions of this Agreement and the same is not cured within the time set forth in a written Notice of Violation from the non-breaching Party to the breaching Party. The period of time to cure shall not be less than thirty days from the date that the Notice of Violation is deemed received; provided, however, that if the breaching Party cannot reasonably cure a default within the time set forth in the Notice of Violation, then the breaching Party shall not be in default if it commences to cure the default within

the time limit and diligently effects the cure thereafter.

7.2. Specific Performance. The Parties acknowledge that money damages are inadequate, and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and are available to the Parties.

8. ADMINISTRATION OF AGREEMENT

8.1. Appeal. Any decision by CITY staff concerning the interpretation or administration of this Agreement or the development of the Project or Property in accordance herewith, may be appealed by SEA VIEW to the Planning Commission, and thereafter, if necessary, to the City Council, following the procedures set forth in the CITY's Municipal Code. All determinations of the CITY's Planning Commission with respect to the Property or Project may be appealed to the City Council pursuant to such Municipal Code procedures. Final determinations by the City Council are subject to judicial review in accordance with California law.

8.2. Modifications Requiring Amendment of this Agreement. Any proposed modification of the performances of CITY or SEA VIEW which results in any of the following shall not constitute a clarification but rather shall require an amendment of this Agreement:

8.2.1. Any increase in the total developable square footage of the entire Property in excess of the maximum FAR of .52 allowed under this Agreement;

8.3. Amendment or Cancellation of Agreement. Except as otherwise set forth herein, this Agreement may only be amended or cancelled, in whole or in part, by mutual consent of CITY and SEA VIEW, and upon compliance with the provisions of Government Code § 65868.

This provision shall not limit any remedy of CITY or SEA VIEW as provided by this Agreement.

9. TERMINATION

9.1. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

9.2. Expiration of the stated term of this Agreement except for its provisions that are stated to survive its termination.

9.2.1. Entry of a final judgment after all appeals are concluded setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

9.2.2. The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement and the conclusion of any litigation, including appeal, upholding the measure overriding or repealing the ordinance that approved this Agreement.

10. INDEMNIFICATION/DEFENSE.

10.1. SEA VIEW's Indemnification. SEA VIEW shall indemnify, defend, and hold harmless the CITY and its officers, employees and agents from and against any and all losses, liabilities, fines, penalties, costs, claims, demands, damages, injuries or judgments arising out of, or resulting in any way from, SEA VIEW's performance pursuant to this Agreement, except to the extent such is a result of the CITY's sole negligence, gross negligence or intentional misconduct. SEA VIEW shall indemnify, defend and hold harmless the CITY and its officers, employees and agents from and against any action or proceeding to attack, review, set aside, void or annul this Agreement or the Project Approvals, including without limitation, the CEQA determination.

10.2. Defense of Agreement. The CITY agrees at SEA VIEW's expense to, and shall timely take, all actions which are necessary or required to uphold the validity and enforceability of this Agreement and the Applicable Rules.

The CITY may choose its own counsel or, at its sole discretion, demand that SEA VIEW provide counsel to provide such defense in which the event the CITY shall cooperate with such counsel.

10.2.1. The rate per hour billed to SEA VIEW for the services of the City Attorney shall be capped at the City Attorney's regular hourly rate billed to the CITY at the time the lawsuit is filed, with persons billing at a lesser rate billed to SEA VIEW at their actual rate billed to the CITY at the time the lawsuit is filed.

10.2.2. In defending such joint litigation, the CITY agrees that SEA VIEW's counsel may take the laboring oar to avoid duplicative work.

10.2.3. The CITY shall not settle any lawsuit attacking the Project Approvals, or other litigation implicating SEA VIEW, without SEA VIEW's written consent, obtained in advance.

10.3. This section 10 shall survive the termination of this Agreement.

11. TIME OF ESSENCE. Time is of the essence for each provision of this Agreement of which time is an element.

12. NOTICES. As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

12.1. All notices shall be in writing and shall be given by personal delivery, by deposit in the U.S. mail first class with postage prepaid, or by sending the same by overnight delivery service, or, registered or certified mail with return receipt requested, with postage and postal charges prepaid, or by facsimile, as follows:

If to CITY:

City Clerk
City of Malibu
23815 Stuart Ranch Road
Malibu, California 90265

With copies to:

The City Attorney:

Trevor Rusin, Esq., Assistant City Attorney
Best & Krieger LLP
1230 Rosecrans Ave., Suite 110
Manhattan Beach, CA 90266

If to SEA VIEW:

Sea View Terrace
c/o Norman Haynie
22741 Pacific Coast Highway, Suite #400
Malibu, California, 90265

With copies to:

The Attorney for Sea View:
Fred Gaines.
Gaines & Stacey LLP
16633 Ventura Blvd., Suite 1220
Encino, CA 91436

12.2. Either Party may change its designated recipient, mailing address and/or facsimile number, by giving written notice of such change in the manner provided herein. All notices under this Agreement shall be deemed received on the earlier of the date personal delivery is affected or not date deposited in the mail or the delivery date shown on the return receipt, air bill or facsimile confirmation sheet.

13. MISCELLANEOUS PROVISIONS

13.1. Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the County Recorder by the Clerk of the City Council within ten days of execution, as required by Government Code § 65868.5.

13.2. Entire Agreement. This Agreement contains the entire agreement between the Parties regarding the subject matter hereof, and all prior agreements or understandings, oral or written, are merged herein. This Agreement shall not be amended, except as

expressly provided herein.

13.3. Waiver. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, whether or not similar; nor shall any such waiver constitute a continuing or subsequent waiver of the same provision.
No waiver shall be binding, unless it is executed in writing by a duly authorized representative of the Party against whom enforcement of the waiver is sought.

13.4. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable. The remainder of this Agreement shall be effective to the extent the remaining provisions are not rendered impractical to perform, taking into consideration the purposes of this Agreement.

13.5. Relationship of the Parties. Each Party acknowledges that, in entering into and performing under this Agreement, it is acting as an independent entity and not as an agent of any other Party in any respect. Nothing contained herein or in any document executed in connection herewith shall be construed as creating the relationship of partners.

13.6. No Third-Party Beneficiaries. This Agreement is made and entered into for the sole benefit of the Parties and their successors in interest. No other person or party shall have any right of action based upon any provision of this Agreement.

13.7. Cooperation Between CITY and SEA VIEW. CITY and SEA VIEW shall execute and deliver to the other all such other and further instruments and documents as may be reasonably necessary to carry out the purposes of this Agreement.

13.8. Rules of Construction. The captions and headings of the various sections and subsections of this Agreement are for convenience of reference only, and they shall not constitute a part of this Agreement for any other purpose or affect interpretation of the Agreement. Should any provision of this Agreement be found to conflict with any provision of the Applicable Rules or the Project Approvals or the Future Approvals, the provisions of this

Agreement shall control.

13.9. Joint Preparation. This Agreement shall be deemed to have been prepared jointly and equally by the Parties, and it shall not be construed against any Party on the ground that the Party prepared the Agreement or caused it to be prepared.

13.10. Governing Law and Venue. This Agreement is made and entered into in the County of Los Angeles, California, and the laws of the State of California shall govern its interpretation and enforcement. Any action, suit or proceeding related to, or arising from, this Agreement shall be filed in the County of Los Angeles.

13.11. Attorneys' Fees. In the event any action, suit or proceeding is brought for the enforcement or declaration of any right or obligation pursuant to, or as a result of any alleged breach of, this Agreement, the prevailing Party shall be entitled to its reasonable attorneys' fees and litigation expenses and costs, and any judgment, order or decree rendered in such action, suit or proceeding shall include an award of thereof. Attorneys' fees under this Section shall include attorneys' fees on any appeal and any post-judgment proceedings to collect or enforce the judgment. This provision is separate and several and shall survive the merger of this Agreement into any judgment on this Agreement.

13.12. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which constitute one and the same instrument.

13.13. Weekend/Holiday Dates. Whenever any determination is to be made or action to be taken on a date specified in this Agreement, if such date shall fall upon a Saturday, Sunday or federal or state holiday, the date for such determination or action shall be extended to the first business day immediately thereafter.

13.14. Not a Public Dedication. Except as otherwise expressly provided herein, nothing herein contained, or shown or graphically depicted on the approved plans for the Project, including without limitation all site plans and surveys, shall be deemed to be a gift or dedication of the Property, or of the Project, or any portion

thereof, to the general public, for the general public, or for any public use or purpose whatsoever, it being the intention and understanding of the Parties that this Agreement be strictly limited to the development of the Project for the purposes herein expressed.

SEA VIEW shall have the right to prevent or prohibit the use of the Property, or the Project, or any portion thereof, including common area and building and improvements located thereon, by any person for any purpose which is not consistent with the development of the project. Any portion of the Property conveyed to the CITY by SEA VIEW as provided herein shall be held and used by the CITY only for the purposes contemplated herein or otherwise provided in such conveyance, and the CITY shall not take or permit to be taken (if within the power or authority of the CITY) any action or activity with respect to such portion of the Property that would deprive SEA VIEW of the material benefits of this Agreement, or would in any manner interfere with the development of the Project as contemplated by this Agreement.

13.15. Singular and Plural. As used herein, the singular of any word includes the plural.

13.16. Excusable Delays. Performance by any Party of its obligations hereunder shall be excused during any period of "Excusable Delay," as hereinafter denied provided that the Party claiming the delay gives notice of the delay to the other Party as soon as reasonably possible after the same has been ascertained.

For purposes hereof, Excusable Delay shall mean delay that directly affects, and is beyond the reasonable control of, the Party claiming the delay, including without limitation: (a) act of God; (b) civil commotion; (c) riot; (d) strike, picketing or other labor dispute; (e) shortage of materials or supplies; (f) damage to work in progress by reason of fire, flood, earthquake, or other casualty; (g) reasonably unforeseeable delay caused by a reasonably unforeseeable restriction imposed or mandated by a governmental entity other than CITY; (h) litigation brought by a third party attacking the validity of this Agreement, a Project Approval, a Future Approval or any other action necessary for

development of the Property, (a) delays caused by any default by CITY or SEA VIEW hereunder, or (b) delays due to presence or remediation of hazardous materials. The term of this Agreement shall be extended by any period of Excusable Delay.

13.17. Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the Party benefited thereby of the covenants to be performed hereunder by such benefited Party.

13.18. Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties to this Agreement. All of the provisions, agreements, rights, power, standards, terms, covenants, and obligations contained in this Agreement shall be binding upon the Parties and their respective heirs, successors, and assignees, devises, administrators, representatives, lessees, and all other persons acquiring the Property, or any portion thereof, or any interest therein, whether by operation of law or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors and assignees. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable laws, including, but not limited to, Section 1468 of the Civil Code of the State of California. Each covenant to do, or refrain from doing, some act on the Property hereunder, (a) is for the benefit of such properties and is a burden upon such properties, (b) runs with such properties, and (c) is binding upon each Party and each successive owner during its ownership of such properties or any portion thereof, and each person having any interest therein derived in any manner through any owner of such properties, or any portion thereof, and shall benefit each Party and its Property hereunder, and each other person succeeding to an interest in such properties.

13.19. Further Actions and Instruments. Each of the Parties shall cooperate with and provide reasonable assistance to the other in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either Party at any time, the other Party shall promptly execute,

with acknowledgement or affidavit if reasonably required, and file or record any reasonably required instruments and writings, and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement and to evidence or consummate the transactions contemplated by this Agreement.

13.20. Authority to Execute.

13.20.1. The persons signing below on behalf of SEA VIEW warrant and represent that they have the authority to bind SEA VIEW and that all necessary partners, managing members, board of directors, shareholders, or other approvals have been obtained.

13.20.2. The persons signing below on behalf of the CITY warrant and represent that they have the authority to bind the CITY and that all necessary approvals from the City Council have been obtained.

13.20.3. Exhibits. All Exhibits attached to this Agreement are hereby incorporated by reference as if set forth in full.

IN WITNESS THEREOF, the Parties hereto have executed this Agreement on the day and year set forth below.

CITY OF MALIBU	
Dated: _____	By:_____ Mayor of Malibu

ATTEST:
By: _____ (SEAL)

APPROVED AS TO FORM
By: _____ Counsel for the CITY

SEA VIEW TERRACE	
Dated: _____	By:_____ Title: _____
Dated: _____	By:_____ Title: _____

APPROVED AS TO FORM
By: _____ Counsel for the CITY

The Existing Commercial Zoning Districts and the Existing Uses in the vicinity of the Project Site are in table below. In addition, there are other current applications pending with the City to change zoning and uses to visitor-serving transient oriented uses which are also listed in the table below. The Proposed Zoning Districts and Proposed Uses from pending applications are also listed in the table below.

EXISTING AND PENDING COMMERCIAL/MULTI-FAMILY ZONING AND LAND USES					
Address	**Existing Zoning District**	**Existing Use**	**Proposed Zoning District**	**Proposed Use**	**Year Built**
SUBJECT PROPERTIES					
22741 PCH	CC	Commercial/Office	CV-2	Hotel	2006
22729 PCH	CC	Car Wash/Former Gas Station	CV-2	Hotel	1984
SOUTHWEST					
22752 PCH & 22762 PCH	CC	Motel/Health Club	CV-2	Motel/Inn (Tidepool Inn)	1950
22766 PCH	CC	Multi-Family	NA	NA	1962
22772 PCH and 22774 PCH	CC	Office/Multi-Family Residential	NA	NA	1962
22800 PCH	CV-1	Retail/Multi-Family	NA	NA	1954
22806 PCH – & 22860 PCH	MF	Multiple Properties Developed as Multi-Family	NA	NA	Approx.1954
22878 PCH	CV-2	Hotel (Malibu Beach Inn)	NA	NA	Unknown

23000 PCH	POS	Malibu Pier	NA	NA	
6506 Westward Beach Road 29500 Heathercliff Road, &	CV-1	Motel (Malibu Country Inn)	CV-2	Hotel	1952
SOUTHEAST					
22716 PCH	CC	Restaurant (Soho	NA	NA	2012
22706 PCH	CV-1	Restaurant (Nobu)	NA	NA	2012
22664 PCH – 22626	MF	Multiple Properties Developed as Multi-Family	NA	NA	1963-1983
NORTHWEST					
22751 PCH	CC	Restaurant (Malibu Country Kitchen)	NA	NA	1972
22761 PCH	CC	Commercial/Office	CV-2	Hotel	1980
22775 PCH	CC	Commercial/Office	NA	NA	1960
22809 PCH	CC	Commercial/Office	NA	NA	1989
22821 PCH	CC	Restaurant (V's)	NA	NA	1948
22837 PCH	CC	Commercial/Office	NA	NA	1979
22853 PCH	CC	Commercial	NA	NA	1979
22917 PCH	CC	Commercial/Office	NA	NA	1989
22935 PCH	CV-1	Retail/Restaurant (Fish Grill)	NA	NA	1963

22941 PCH	CV-1	Commercial (Chabad of Malibu)	NA	NA	1962
22959 PCH	CV-1	Parking Lot	NA	Motel (Malibu Inn Motel)	Vacant
22969 PCH	CV-1	Restaurant (Aviation Nation Dreamland); and Retail (Aviation Nation)	NA	NA	1950
23017 PCH	CV-1	Restaurant (Jack in the Box)	NA	NA	1969
23033 PCH	CV-1	Motel (Surfrider Motel)	NA	NA	1953
NORTHWEST					
22725 PCH	CC	Restaurant (McDonalds)	NA	NA	1978
22669 PCH	CC	Commercial	NA	NA	1948
22661 PCH	CC	Parking Lot	NA	NA	
22653 PCH	CC	Commercial/Office	NA	NA	1941
22619 PCH	CC	Commercial/Office	NA	NA	2000
22625 PCH	CC	Commercial/Retail	NA	NA	1992
22611 PCH	CC	Commercial/Office	NA	NA	1945
22601 PCH	CN	Commercial/Retail	NA	NA	1991

22541 PCH	CV-1	Motel (The M Malibu Motel)	NA	NA	1947
22535 PCH	CV-1	Commercia/Retail	NA	NA	1975
22535 PCH	CV-1	Commercia/Retail	NA	NA	1957
22525 PCH	CV-1	Commercia/Retail	NA	NA	1957
22523 PCH	CV-1	Commercia/Retail (Colony House	NA	NA	1961
22483 PCH	CV-1	Commercial/Office	NA	NA	1992
22467 PCH	CV-1	Commercial/Office	NA	NA	1947
22455- PCH	CV-1	Multi-Family Residential	NA	NA	1959
22445 PCH – 22445 PCH	CV-1	Multiple Properties Developed as Multi-Family	NA	NA	1955-1959
OTHER PROPERTIES IN THE CITY WITH CV ZONING AND/OR TRANSIENT LODGING ACCOMMODATIONS					
6800 Westward Beach Road	CV-1	Restaurant (The Sunset)	NA	NA	1978
28920 PCH	CV-1	Motel (Native)	NA	NA	1949
27400 PCH	CV-1	Multi-Family Residential & Restaurant (Geoffrey's)	NA	NA	1949-1956

26023 PCH	CV-1	Restaurant (Beaurivage)	NA	NA	1949
24111 PCH	CV-2	Vacant (approved for cemetery use)	NA	NA	

City of Malibu

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

BIOLOGY REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email)	Norman Haynie norm@blueonyxdesign.com		
Project Address:	**22729 Pacific Coast Highway** Malibu, CA 90265		
Planning Case No.:	CDP 17-086		
Project Description:	New 39-Room Boutique Hotel - Sea View Hotel		
Date of Review:	March 6, 2021		
Reviewer:	Dave Crawford	Signature:	
Contact Information:	Phone: (310) 456-2489 ext 277	Email:	dcrawford@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	
Site Survey:	
Landscape Plan:	3/1/21
Hydrozone Plan:	3/1/21
Irrigation Plan:	3/1/21
Fuel Modification Plan:	3/1/21
Grading Plan:	
OWTS Plan:	
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	

REVIEW FINDINGS

Review Status:	☐	**INCOMPLETE**: Additional information and/or a response to the listed review comments is required.
	☒	**APPROVED**: The project has been approved with regards to biological impacts.
	☐	**CANNNOT APPROVE AS SUBMITTED**: The proposed project does not conform to the requirements of the MMC and/or LCP.
	☐	**ERB**: This project has the potential to impact ESHA and may require review by the Environmental Review Board pursuant to LIP Section 4.4.4

ATTACHMENT 5

Recycled Paper

DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 80,531 gallons per year (gpy). The Estimated Applied Water Use (EAWU) totals 80,049 gpy. Therefore, the project meets 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. (form attached)

   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. 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 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.

   F. 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).

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

H. All public street frontage trees and shrubs shall be limited to species native to the Santa Monica Mountains.

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

J. 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. Up-lighting is prohibited.

K. Grading/excavation/vegetation removal scheduled between February 1 - September 15 will require nesting bird surveys by a qualified biologist prior to initiation of such activities. Surveys shall be completed no more than five days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within two business days of completion of surveys.

L. No less than 30 days prior to any demolition or construction on site, the vacant building on site shall be surveyed for bat roosting by a qualified biologist with bat detection equipment and expertise.

2. **UPON COMPLETION OF ALL PLANTING**, 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.

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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

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 317-1950 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

3/1/2018

TO: City of Malibu Environmental Health Administrator **DATE:** ~~9/5/2017~~

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 17-086
JOB ADDRESS:	22729 PACIFIC COAST HWY
APPLICANT / CONTACT:	Norman Haynie, Blue Onyx Design and Engineerin
APPLICANT ADDRESS:	22741 Pacific Coast Highway #400 Malibu, CA 90265
APPLICANT PHONE #:	(310) 456-5515
APPLICANT FAX #:	(310) 456-9821
APPLICANT EMAIL:	norm@blueonyxdesign.com
PROJECT DESCRIPTION:	New 36-Room Boutique Hotel

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 Plumbing Code (MPC). 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 MPC. 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 — **Signature**

3-29-18 — **Date**

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) 317-1950 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant : (name and email address)	Norman Haynie norm@blueonyxdesign.com		
Project Address:	**22729-41 Pacific Coast Highway** Malibu, California 90265		
Planning Case No.:	CDP 17-086		
Project Description:	New 15 room hotel with restaurant and 21 room hotel		
Date of Review:	March 29, 2018		
Reviewer:	Melinda Talent	Signature:	Melinda Talent
Contact Information:	Phone: (310) 456-2489 ext. 364	Email:	mtalent@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Architectural plans by DMR Construction, Inc. dated 8-25-17
Grading Plans:	
OWTS Plot Plan:	Plot plan by Lawrence Young dated 11-15-17, revision dated 1-29-18, 2-28-18
OWTS Report:	OWTS design report by Lawrence Young dated 11-20-17, revision dated 1-29-18, 2-28-18. Percolation report by Lawrence Young dated 11-15-17.
Geology Report:	
Miscellaneous:	Review comments from Tetra Tech dated 12-26-17 and 3-29-18
Previous Reviews:	9-14-17, 1-3-18, 1-30-18, 2-12-18

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Plumbing Code (MPC). 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 MPC. 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 alternative onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed OWTS meets the minimum requirements of the City of Malibu Plumbing Code, i.e. Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2016 Edition with City of Malibu local amendments (Malibu Municipal Code Section 15.12; hereinafter MPC), and the City of Malibu Local Coastal Program/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 OWTS Plot Plan:** A final plot plan shall be submitted showing an onsite wastewater treatment system (OWTS) design meeting the minimum requirements of the MPC, and the LCP/LIP, including necessary construction details, the proposed drainage plan for the developed property, the proposed landscape plan for the developed property, and the proposed stormwater detention/dispersal plan. 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 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 the California-registered Civil Engineer, Registered Environmental Health Specialist, or Professional Geologist who is responsible for the design, and is a registered practitioner with the City of Malibu. 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 fixture schedule, 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) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.

7) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the OWTS designer shall be submitted. This shall be the same operations and maintenance manual proposed for later submission to the owner and/or operator of the proposed alternative onsite wastewater disposal system.

8) **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 alternative onsite wastewater disposal system after construction shall be submitted. ***Please note only original "wet signature" documents are acceptable***.

9) **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 alternative method of sewage disposal pursuant to the City of Malibu Uniform Plumbing 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***.

10) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

11) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

12) **Conditional Use Permit:** A conditional use permit (CUP) shall be obtained from the City of Malibu Planning Department to hold the two properties as one and allow for the onsite wastewater treatment system at 22741 Pacific Coast Hwy. to service the effluent disposal for 22729 Pacific Coast Hwy. The CUP shall be submitted to the Environmental Health Administrator for review.

13) **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.

14) **Operating Permit Application and Fee:** In accordance with M.M.C. Chapter 15.14, an application shall be made to the Environmental Health office for an OWTS 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.

15) **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.

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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

MALIBU SEA VIEW HOTEL
22729-41 PACIFIC COAST HWY
MALIBU, CA 90265

CDP 17-086

22729 PCH HOTEL:	15 Guest Rooms (N)
RESTAURANT:	39 Seats (N)
22741 PCH HOTEL:	21 Guest Rooms (N)
GREASE TRAP:	3,000 Gallon (N)
PUMP TANK:	3,000 Gallon (N)
TREATMENT TANK:	5,000 Gallon Tank (E) with 4.5 High Strength FAST unit (N)
DOSING TANK:	5,000 Gallon tank (N)
DISINFECTION:	3 - Norweco Bio-Kinetic BK 2000 disinfection units (N)
ACTIVE:	2 – 6 x 17' BI w/5' cap (SP-3) (SP-4) (E)
FUTURE:	2 – 6 x 17' BI w/5' cap (SP-1) (SP-2) (E)
PERC RATE:	39,150 gpd total
DESIGNER:	Larry Young (REHS 3738)
REFERENCE:	Lawrence Young OWTS Design Report dated 1-29-18, revised 2-28-18

NOTES:

1. This conformance review is for a new 15 unit hotel with 39 seat restaurant, 21 unit hotel and renovated onsite wastewater treatment system (OWTS). The renovated OWTS shown conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).

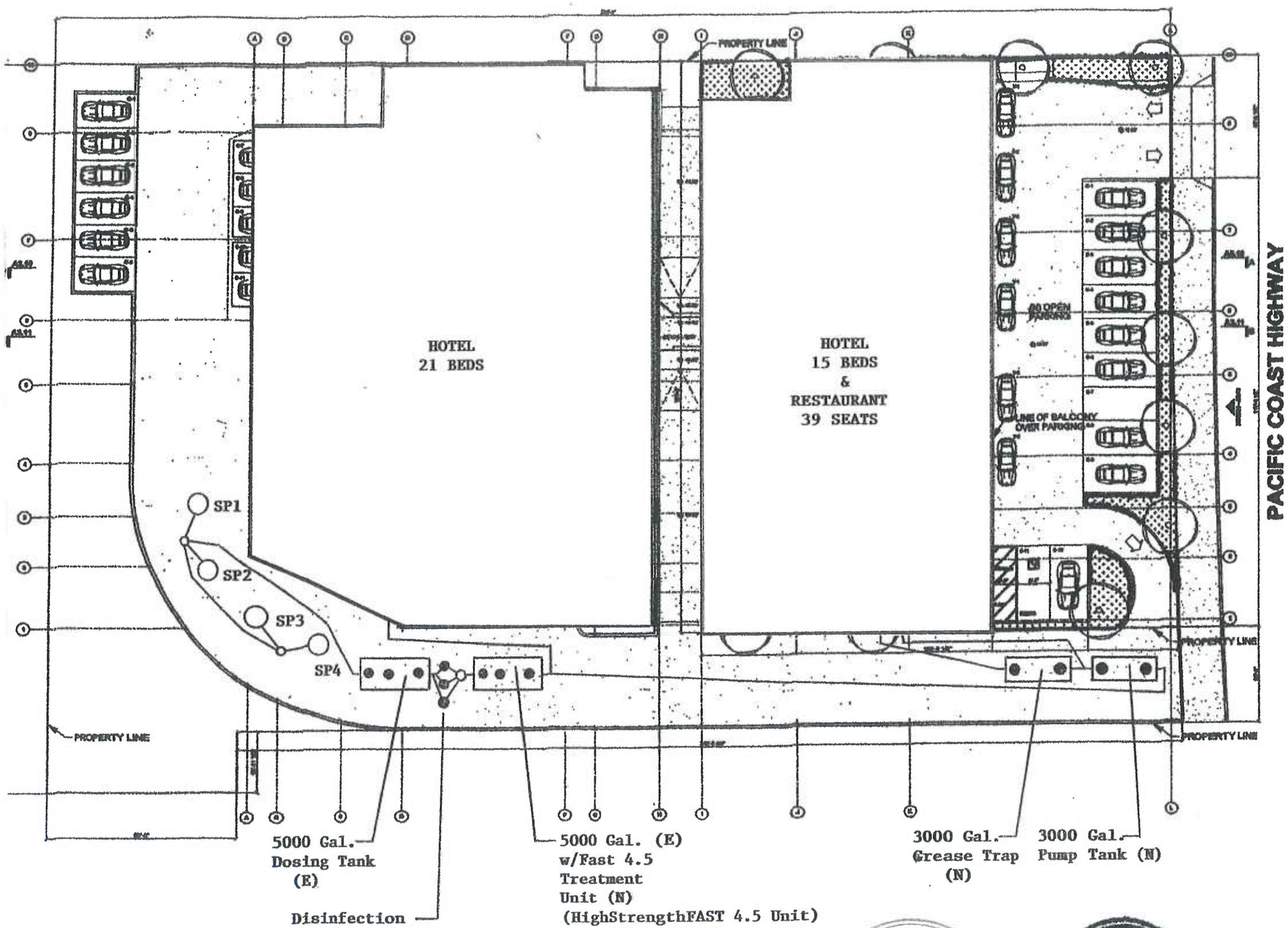
2. This conformance review relates only to the minimum requirements of the MPC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of wastewater treatment.

3. This conformance review is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CONDITION OF APPROVAL:

1. A conditional use permit and a covenant to hold the two properties as one (22729 Pacific Coast Hwy. and 22741 Pacific Coast Hwy) must be obtained from the Planning Department and submitted to the Environmental Health Administrator.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT
ENVIRONMENTAL HEALTH
CONFORMANCE REVIEW
MAR 29 2018
SIGNATURE Melinda Talent
THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS.



ENVIRONMENTAL HEALTH SPECIALIST
LAWRENCE YOUNG
REG. NO. 3738
L Young
STATE OF CALIFORNIA

1" = 30'

FEB 28 2018

City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

Project Information

Date: June 5, 2018		**Review Log #:**	**4113**
Site Address:	22729 and 22741 Pacific Coast Highway		
Lot/Tract/PM #:	n/a	**Planning #:**	**CDP 17-086**
Applicant/Contact:	Norm Haynie, norm@blueonyxdesign.com	**BPC/GPC #:**	
Contact Phone #:	310-456-5515 **Fax #:**	**Planner:**	**Lilly Rudolph**
Project Type:	New 36-room boutique hotel, grading-liquefaction mitigation, shoring, onsite wastewater treatment system (OWTS)		

Submittal Information

Consultant(s) / Report Date(s): *(Current submittal(s) in **Bold**.)*	GeoSoils Consultants, Inc. (Miller, GE 2257; Ruberti, CEG 1708): **5-21-18,** 3-29-18, 12-26-17 (revised 2-8-18), 12-26-17 Lawrence Young (REHS # 3738): 2-28-18, 1-29-18, 11-20-17, 11-15-17 Ref: Stratum Geotechnical Consultants: 3-25-16, 8-4-14, 3-29-13, 7-3-09, 11-7-08, 10-8-07 Building plans prepared by DMP Construction, Inc. dated August 25, 2017. Grading plans prepared by LC Engineering Group, Inc. dated December 7, 2017. OWTS plans prepared by Lawrence Young dated February 28, 2018, January 29, 2018.
Previous Reviews:	5-9-18, 3-5-18, Geotechnical Review Referral Sheet dated 10-13-17: Ref: Environmental Health Review Sheet dated March 29, 2018, Environmental Health Review Sheet dated February 12, 2018

Review Findings

Coastal Development Permit Review

☒ The hotel development project is **APPROVED** from a geotechnical perspective.

☐ The hotel development project is **NOT APPROVED** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.

Building Plan-Check Stage 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 response geotechnical report was reviewed by the City from a geotechnical perspective. The project includes constructing a new 6,958 square foot three-level 15-room boutique hotel with a 3,130 square foot basement-level restaurant and storage area and the conversion of an existing 16,557 square foot office building and parking structure into a 21-room boutique hotel with a 4,506 square foot rooftop deck with a pool, grill, and wet bar. Also proposed are landscaping, open space, and parking. Grading consists of 1,080 yards of R & R; 290 yards of cut under structure; and 290 yards of export. The existing onsite wastewater treatment system (OWTS) serving the office building at 22741 PCH will be upgraded to serve both hotels. The total maximum wastewater discharge for the project is 4,110 gpd. The new OWTS will consist of a new 3,000-gallon grease trap and 3,000-gallon concrete pump tank and pump vault which will pump effluent from the new hotel at 22729 PCH to the existing 5,000-gallon concrete tank and treatment system located at 22741 PCH. This tank discharges to two 6' diameter x 17' BI seepage pits (SP-1 and SP-2) with 5' caps (there is 100% expansion available for effluent disposal). The two existing seepage pits were tested and had a combined percolation rate of 56,719 gpd. The effluent will be adequately disposed into the existing seepage pits per the City of Malibu Plumbing Code.

Building Plan-Check Stage Review Comments:

1. Please submit a fee of $957.00 to City geotechnical staff for building plan check review.
2. The recommended at-rest pressure for the design of retaining walls appears to be low. Using the limit equilibrium method to calculate the at-rest pressure behind retaining walls may not be appropriate because the retaining wall is not capable of deflecting to fully mobilize shear resistance. An appropriate method of analyses (example: Navy Manual) should be utilized.
3. The Consultant recommends on page 22 that, "*Any anticipated, superimposed loading (i.e., upper retaining walls, traffic surcharge or other structures, etc.) within a 45-degree plane projected upward from the wall bottom, except retained earth, shall be considered as surcharge and provided for in the design.*" But footings below a 1:1 plane behind the retaining walls could laterally surcharge the retaining wall. Using the 1:1 criterion for lateral surcharge is not acceptable, unless substantiated with analyses and references. A recognized method of analyses should be considered (e.g.: 1- Spangler & Handy {1982}, Soil Engineering, fourth Edition, Harper & Row, New York. 2- Navy Design Manual NAVFAC DM-7.2, Figure 18). Mitigation measures should be recommended, as necessary.
4. The Cross-Sections show variable removals underneath the basement that will result in differential fill thicknesses. Please evaluate the potential for adverse impact (example: differential settlement) on slabs-on-grade and other ancillary improvements (if any) due to differential fill thickness. Mitigation measures should be recommended as necessary.
5. Please discuss the potential for uplift forces on low grade improvements due to relatively shallow historical depth to groundwater and to FEMA anticipated flood elevation at the site. Mitigation measures should be recommended, as necessary.
6. Please provide details and sections of the proposed vertical subdrain and redheads supported plywood. Please indicate possible outlets for backdrains behind the basement side walls as previously requested in Comment #14 of the March 5, 2018 review letter. The outlet of the drainage pipe should be indicated on the geotechnical map and grading plan.
7. Please provide a set of shoring plans for review.
8. Please provide reduced setback letters from the OWTS, geotechnical, and structural consultants for any reduced setbacks between the OWTS components and foundations, as applicable.

9. The Project Geotechnical Consultant shall evaluate the lateral deflection and rotation of piles under applied lateral shear forces and bending moments when they become available. Maximum acceptable deformations should be reviewed and approved by the project structural engineer.

10. Section 7.4 of the City's geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. The Building plans shall reflect this requirement.

11. The following a note needs to be included into the grading and building plans. *'Prior to the placement of concrete slabs, the slab subgrade soils shall be pre-moistened to at least 120% of the optimum moisture content to the depth specified by the geotechnical engineer. The pre-moistened soils should be tested and verified to be by the geotechnical engineer within one day prior to the placement of the moisture barrier and sand.'*

12. Please include the following note on the plans: *"The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for review by City Geotechnical staff. The report shall include total depths of the piles, depth into the recommended bearing material, and a map depicting the locations of the piles."*

13. Please include the following note on the plans: *"The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the soldier pile foundation (shoring) elements for review by City Geotechnical staff. The report shall include total depths of the piles, depth into the recommended bearing material, and a map depicting the locations of the soldier piles."*

14. Two sets of final grading, shoring, retaining wall, and hotel 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. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**

Please direct questions regarding this review sheet to City Geotechnical staff listed below.

Engineering Geology Review by: _____ *6/5/18*

Christopher Dean, C.E.G. #1751, Exp. 9-30-18 Date
Engineering Geology Reviewer
(310-456-2489, x306)
Email: cdean@malibucity.org

Geotechnical Engineering Review by: _____ *6/5/2018*

Ali Abdel-Haq, G.E. #2308, Exp. 12-31-19 Date
Geotechnical Engineering Reviewer (805-496-1222)
Email: ali@geodynamics-inc.com

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, and hotel plans, incorporating the Project 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 Project Geotechnical Consultant(s) on the cover sheet of the Building and Grading Plans.
3. 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 Project Geotechnical Consultant, as appropriate.*"
4. Include the following note on the Foundation Plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel.*"
5. The Foundation Plans for the proposed project shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.
6. Show the onsite wastewater treatment system on the Site Plan.
7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
8. A comprehensive Site Drainage Plan, incorporating the Project Geotechnical Consultant's recommendations, shall be included in the Plans. Show all area drains, outlets, and non-erosive drainage devices on the Plans. Water shall not be allowed to flow uncontrolled over descending slopes.

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.

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.

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

RECEIVED
SEP 26 2019
PLANNING DEPT.

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department **DATE:** 9/5/2017

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 17-086
JOB ADDRESS:	22729 PACIFIC COAST HWY
APPLICANT / CONTACT:	Norman Haynie, Blue Onyx Design and Engineerin
APPLICANT ADDRESS:	22741 Pacific Coast Highway #400 Malibu, CA 90265
APPLICANT PHONE #:	(310) 456-5515
APPLICANT FAX #:	(310) 456-9821
PROJECT DESCRIPTION:	New 36-Room Boutique Hotel

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 1,500 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 — **SIGNATURE**

9.25.19 — **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 Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650
www.malibucity.org

CONDITIONAL USE PERMIT
REFERRAL SHEET

TO: Los Angeles County Sheriff - Malibu Lost Hills Station

FROM: City of Malibu Planning Department DATE: 9/5/2017

PROJECT NUMBER:	CDP 17-086
JOB ADDRESS:	22729 PACIFIC COAST HWY
APPLICANT / CONTACT:	Norman Haynie, Blue Onyx Design and Engineerin
APPLICANT ADDRESS:	22741 Pacific Coast Highway #400 Malibu, CA 90265
APPLICANT PHONE #:	(310) 456-5515
APPLICANT FAX #:	(310) 456-9821
PROJECT DESCRIPTION:	New 36-Room Boutique Hotel - Sea View Hotel

This Approval Form (including detailed project description and plans) will be forwarded to:

Deputy John Peck
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.

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 B. KNOTT 1/28/2021
NAME DATE

B KH 487215 DS6
SIGNATURE TITLE

Rev 110707-JH

LOS ANGELES COUNTY WATERWORKS DISTRICTS *

P. O. Box 1460
Alhambra, CA 91802
Telephone: (626) 300-3306

260 East Avenue K-8
Lancaster, CA 93535
Telephone: (661) 942-1157

23533 Civic Center Way
Malibu, CA 90265
Telephone: (310) 317-1389

TO:

☐ Los Angeles County
Department of Public Health
Environmental Health:
Drinking Water / Land Use Program
5050 Commerce Drive
Baldwin Park, CA 91706-1423

☐ Los Angeles County
Department of Public Works
Building & Safety Division

☐ Los Angeles County
Fire Department

☐ City of Lancaster
Building Department
44933 N. Fern Ave.
Lancaster, CA 93534

☒ City of Malibu
Building Department
23815 W. Stuart Ranch Rd.
Malibu, CA 90265

☐ City of Palmdale
Building Department
38300 N. Sierra Hwy.
Palmdale, CA 93550

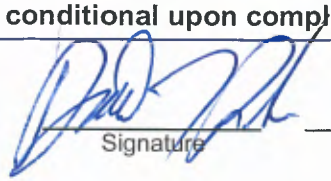
RE: **22729 & 22741 PACIFIC COAST HWY** (Address) **MALIBU** (City) **90265** (Zip Code)

APN # 4452-022-010, 015, 017

Los Angeles County Waterworks District No. 29

***CONDITIONALLY Will serve* water to the above *single lot* property subject to the following conditions:**

☐	Annexation of the property into Los Angeles County Waterworks District is required. **Water service to this property will not be issued until the annexation is completed.**
☒	The appropriate fees must be paid to the District and other related water agencies.
☒	The appropriate service connection fees have been paid to Waterworks Districts for the existing 1.5" service connection.
☒	The property has an existing 1.5" water meter.
☐	The appropriate connection fees have been paid to Waterworks Districts for the proposed service.
☒	Water system improvements will be required to be installed by the developer subject to the requirements set by the Fire Department and the District, ***including the installation of one 20" check valve assembly on the existing 20" waterline and an 18" spool in the existing manifold, within the Caltrans right-of-way of Topanga Canyon Blvd as part of Spec 29-840 (PC)***
☒	Water meter serving the property must be installed in accordance with Waterworks' District standards.
☒	Public water system and sewage disposal system must be in compliance with Health Department separation requirements.
☒	A portion of the existing fronting water main may be required to be replaced or upgraded if the water service tap cannot be made or if damage occurs to the water main.
☒	Property may experience low water pressure and / or shortage in high demand periods.
☐	The District **CAN NOT** serve water to this property at this time.
☒	Must comply with and satisfy Caltrans requirements in order to obtain Water Service.
☒	A USC approved backflow device is required for this property and is to be installed and maintained by the property owner.
☒	**This CONDITIONAL Will Serve Letter is for a building conversion and new hotel and it is conditional upon completion of Spec 29-840 (PC).**

By:  (Signature)

Dave Rydman (Print Name) — Senior Civil Engineer

(310) 456-6621 x238 (Phone Number)

9/23/19 (Date)

**** THIS WILL SERVE LETTER WILL EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE.***

Rev. 06/09

City of Malibu
MEMORANDUM

To: Planning Department

From: Public Works Department
Troy A. Spayd P.E., Assistant Public Works Director/Assistant City Engineer

Date: June 23, 2021

Re: Sea View Hotel Comments on Avoided Cost of Development

The Public Works Department has reviewed the documents submitted on Friday June 18, 2021 for the above referenced project. Based on this review sufficient information has been submitted to confirm that the information provided by the applicant as it relates to the costs of construction identified is backed up by sound engineering calculations based on industry standards or contractor cost proposals. The Public Works Department did not review the information related to landscaping costs.

https://malibucity-my.sharepoint.com/personal/tspayd_malibucity_org/Documents/Desktop/1 Standard Memo Form.docx
Recycled Paper

THE AVOIDED COST OF DEVELOPMENT MODEL

THE AVOIDED SITE IMPROVEMENT COSTS ARE CALCULATED BELOW:

1. THE NEEDED LOT AREA:

   10,388 ft^2 ÷ 15% = 69,253 ft^2

2. THE IMPUTED ADDITIONAL LOT AREA = NEEDED LOT AREA - EXISTING LOT AREA

   69,253 ft^2 - 18,283 ft^2 = 50,970 ft^2

3. THE "AVOIDED SITE IMPROVEMENT COSTS" IS CALCULATED BY ALLOCATING A PERCENTAGE OF THE TOTAL SITE IMPROVEMENT COST TO THE "IMPUTED ADDITIONAL LOT AREA"

   $\frac{\text{IMPUTED ADDITIONAL LOT AREA}}{\text{TOTAL LOT AREA NEEDED}}$ X TOTAL SITE IMPROVEMENT COSTS

   $\frac{50{,}970\ ft^2}{69{,}253\ ft^2}$ X $ 964,066.80 =

   73.6% X $ 964,066.80 = $ 709,553

4. THE TOTAL SITE IMPROVEMENT COSTS IS PROVIDED ON EXHIBIT "A" = $964,066.80

*THE BENEFITS TO THE CITY MUST BE A MINIMUM OF 50% OF **$709,553= $354,777**.

PLEASE CONSIDER THE ATTACHED LOGIC IN EXHIBIT "B".

EXHIBIT "A"

SITE IMPROVEMENT COSTS

1. DEMOLITION OF THE EXISTING STRUCTURES (actual bid-
Original guesstimate was $105,000. See bid attached as Exhibit I) $ 63,000

2. GRADING

A. EXPORT:

Cost including loading trucks and trucking fees = $31/$yd^3$

12' x 24' x 135' ÷ (27 ft^2/yd^3) x $31/$yd^3$ =

1,440 yd^3 x $31/$yd^3$ = ($ 44,640 but excavation for the basement is part of building the basement so it will not be counted)

(Note: The certificate that states 1,333 yd^3 is low by 107 yd^3)

B. REMOVAL AND RECOMPACTION:

145' x 65' x 3' ÷ (27 ft^2/yd^3) = 1,047 yd^3 x $50/$yd^3$ = $ 52,350
(This must be included)(See Exhibit II-a)

C. ENGINEERING AND PLANS (See Exhibit II-b) $ 8,000

TOTAL $ 60,350

3. DRAINAGE

A. SWALES
Covered in the parking lot concrete cost (see #5 below)

B. FILTRATION SYSTEM FOR LOT AREA -
Covered in the parking lot estimate

C. CURB AROUND LANDSCAPED AREA
Covered in the parking lot estimate

D. SUMP PUMP SYSTEM (see Exhibit III) $ 20,000

TOTAL $ 20,000

4. LANDSCAPED AREAS

A. Turf Track (see specific Pricing Exhibit IV-a(1-4)):

1,602 ft^2 x \$8.747/ft^2 + 9.5% tax = $ 15,345

B. Shrubs and Grass:

2,731 ft^2 x \$10/ft^2 = $ 27,310

C. Sprinkler System $ 32,000

D. Specimen trees adjacent to PCH and parking lot
(See specific pricing Exhibit IV-b)

16 trees $ 12,483

E. Trees in pots on decks

39 trees x \$400/tree $ 15,600

F. Landscaped area on decks: shrubs in small pots watered by staff

2,529 ft^2

8 pots/deck plus plants @ \$20/plant, \$35/pot

(\$35 + \$20) x 8 x 39 decks $ 17,160

G. Smaller trees adjacent to north side of parking lot

20 planted @ \$110/tree $ 2,200

4 in pots @ both sides of access steps to reception
@ \$200/tree $ 800

TOTAL $ 122,898 ✓

5. PARKING LOT AREA

65' x 145' = 9,425 ft^2 of concrete surface x ~~\$8/ft^2~~ \$12.80/ft^2
(see Exhibit V) $ 239,927.48

6.	Entry steps and raised planters (included in PARKING LOT AREA see Exhibit V)		
7.	UTILITIES		
	A.	Water meters (LAC Water Dept. quote)	$ 42,000
	B.	Power for lights	$ 17,600
	C.	Electric car charging stations	
		6 x $10,000 (per City Public Works Dept.)	$ 60,000
	D.	Additional Wastewater Treatment System (see Exhibit VI)	$ 80,000 ✓
	E.	Restaurant grease trap (part of restaurant construction)	$ 0
		TOTAL	$ 199,600
8.	ARCHITECTURAL EXPENSES (See Exhibit VII)		
	Design, renderings, model		$ 119,500
		TOTAL 1-8	**$ 825,275.48**
9.	CONSTRUCTION MANAGEMENT		
	15% of the costs of 1-8		
	15% x $825,275.48		$ 123,791.32
10.	APPROVALS AND PLAN CHECK FEES FOR GRADING, LANDSCAPING, ETC.		$ 15,000.00
	TOTAL SITE IMPROVEMENT COST		**$ 964,066.80**

EXHIBIT I

Norman Haynie

From: Norberto Castaneda <azulservices1@gmail.com>
Sent: Tuesday, June 1, 2021 11:44 PM
To: norm@blueonyxdesign.com
Subject: job proposal

AZULDEMOLITION SERVICES
2361 S CUTTY WAY #63
ANAHEIM CA 92802

NORMAN L HARNIE
22741 PAC COAST WAY S 400
MALIBU CA 90265

GAS STATION
22729 PAC COAST WAY
MALIBU CA 90265

1- CONCRETE PUMP ISLES	7.000
2- CONCRETE RETAINIG WALL	2.000
3- METAL CANOPY AND FOUNDATION	10.000
4- REMOVE THE METAL BUINDING	18.000
5-THE SHELTER BY THE SLOPE	3.000
6-REMOVE ALL THE ASPALT CURBS AND GUTTER	15.000
7- REMOVE SMALL SEPTIC TANK	3.000
8- WOOD FENCE ,TREES AND ALL THE TRASH AROUND THE PROPERITY	5.000
TOTAL	$63.000

NORBERTO CASTANEDA

AZUL DEMOLITION SERVICES
OWNER

Virus-free. www.avg.com

City of Malibu

23815 Stuart Ranch Road Malibu, California 90265-4861
Phone (310)456-2489 Fax (310)456-7650 www.ci.malibu.ca.us

TOTAL GRADING YARDAGE VERIFICATION CERTIFICATE
PLANNING DIVISION REVIEW LEVEL

PLANNING APPLICATION NUMBER: _____
PROJECT ADDRESS: 22729 PACIFIC COAST HIGHWAY

All project 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 shall be stamped and wet signed by the preparing party.

	Exempt			Non-Exempt	Remedial	Total
	R&R	Understructure	Safety			
Cut	0	1,543	0	24	0	1,558
Fill	0	201	4	216	0	421
Total	0	1,735	4	240	0	1,979
Import	0	0	4	192	0	196
Export	0	1,333	0	0	0	1,333

All quantities indicated shall be in Cubic Yards only.
R&R= Removal and Recompaction - R&R must be balanced.
Safety Grading is required grading fo L.A. County Fire Department access approval beyond the fifteen foot minimum access and may include turnouts, 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 residential structure or access to the lot.
Imported means soil that is brought on to the site. Exported means soil that is leaving the site. This information will be used to calculate the number of truck trips required for site preparation.

PREPARED BY: JIM D. FAUL
PRINT NAME

SIGNATURE

DATE: ~~12/8/17~~ 3-13-18

REGISTERED PROFESSIONAL ENGINEER
JAMES DAVID FAUL
C 52258
EXP. DEC. 2018
CIVIL
STATE OF CALIFORNIA

EXHIBIT II-2

I did get a verbal bid over the phone of $18/cubic yard of R&R. However, the two grading contractors I spoke with were not in on Thursday or Friday, and Troy said the estimate the City gets is $40 to $45 per cubic yard, so I simply used $50/cubic yard.

EXHIBIT III-b

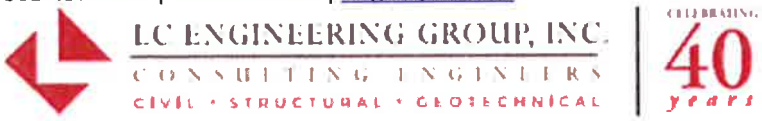
Norman Haynie

From: Sheri Bovard <sheri@lcegroupinc.com>
Sent: Friday, June 18, 2021 11:57 AM
To: norm@blueonyxdesign.com
Cc: Greg Kelly; Karla Castillo; Alexandra Varney
Subject: 22729-22741 PCH - Payments Received
Attachments: C7487 - Register Report.pdf

Hi Norm,
Attached is a Register Report for the project located at 22729-22741 PCH. We received the retainer payment of $3,400 and two payments for $2,040 and $500, for total payments of $5,940.00.
We had progress billed this contract to about 74% before there was no more time posted to the project.
There is $885 unapplied retainer credit for the remaining 26% of the Contract.

Please let us know if you need additional information.

Best Regards,
Sheri Bovard
Accounts Receivable
LC ENGINEERING GROUP, INC.
889 Pierce Ct., Ste. 101, Thousand Oaks, CA 91360
805-497-1244 | 818-991-7148 | lcegroupinc.com



**Please note that our normal business operations and schedules may be impacted by the COVID-19 situation, and are subject to change as we monitor and incorporate temporary policies and guidelines including those disseminated by WHO, CDC and other authorities. Thank you in advance for your patience and understanding during this challenging time.*

Note: There will likely be some minor work in the future when the project goes to California Code check. So I am raising my estimated 6,523 to $8,000.

WILL YOU BE USING LC ENGINEERING OR JIM FAUL?

LC Engineering Group, Inc.

6/18/2021 11:47 AM

Register: RETAINERS RECEIVABLE

From 11/17/2017 through 06/18/2021

Sorted by: Date, Type, Number/Ref

Date	Number	Customer	Memo/Description	Qty	Rate	Charge	Paid	Balance
11/17/2017	32176	HAYNIE, NORM...	RETAINER CREDIT			-3,400.00		-3,400.00
12/12/2017	32387	HAYNIE, NORM...	60% COMPLETION...			4,080.00		680.00
01/08/2018	55392275	HAYNIE, NORM...	INV. 32387				2,040.00	-1,360.00
04/12/2018	33600	HAYNIE, NORM...	BILLING THRU M...			975.00		-385.00
05/03/2018	4454	HAYNIE, NORM...	INV. 33600				500.00	-885.00

JIM FAHL IS NO LONGER W/ LC ENGINEERING. IS THERE A NEW CONTRACT?

EXHIBIT III

Norman Haynie

From: Sherry Clark <s.clark@jsinnovative.net>
Sent: Friday, June 18, 2021 3:17 PM
To: norm@blueonyxdesign.com
Subject: Duplex Pump Station

Norm,
The cost for the 12'x30" Round Duplex Pump Station with Controls is $20,000.00.

A C42
#842516

Regards,
--
Sherry Clark

JS Innovative Systems, Inc

1243 Flynn Rd #502

Camarillo, CA 93012

805 987-7747

s.clark@jsinnovative.net

EXHIBIT IV-a-1

EXHIBIT IV-A-2

amazon prime | Deliver to Carrie Malibu 90265 | Garden & Outdoor | Hello, Carrie Account & Lists | Returns & Orders | amazon | 1 item $16.99

All | Prime Video | Livestreams | TV & Video | Buy Again | Carrie's Amazon.com | Customer Service | Prime | Fresh | Shop with Pride

Amazon Home | Shop by Room | Discover | Shop by Style | Home Décor | Furniture | Kitchen & Dining | Bed & Bath | Garden & Outdoor | Home Improver

amazon pharmacy Your medication, delivered Learn more

Customers who viewed **Tufftrack Grass Pavers** also viewed



VEVOR Permeable Pavers 1.9" Depth Gravel Driveway Grid
$55.89
1 used and new **from** $55.89

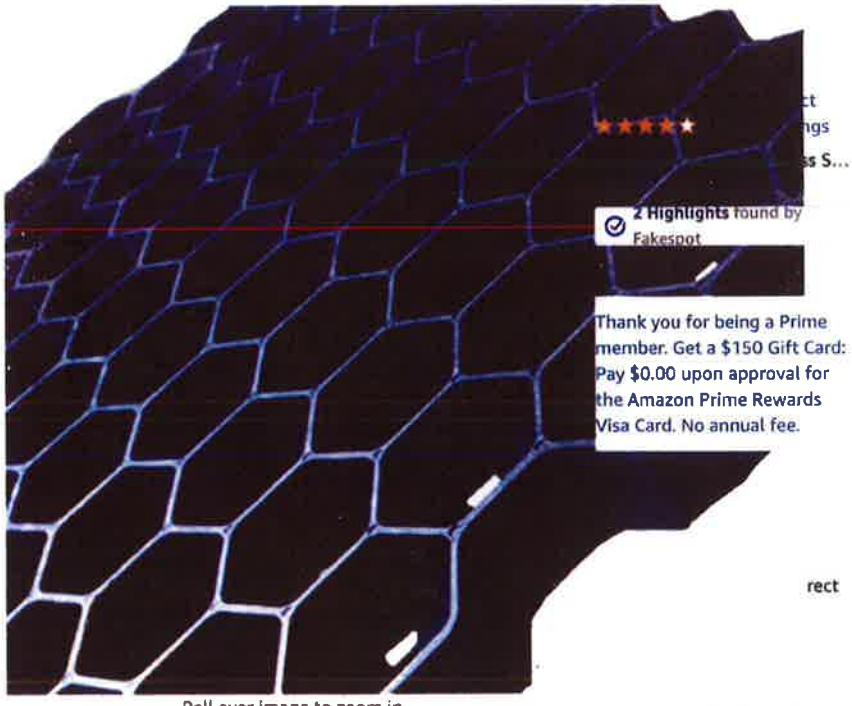


VEVOR Permeable Pavers 1.9" Depth Gravel Driveway Grid
$56.39
1 used and new **from** $56.39



Standartpark - HEXpave Grid - 1" Depth Permeable Paver System -
4.5 out of 5 stars
242
$60.00
1 used and new **from** $60.00

Patio, Lawn & Garden › Gardening & Lawn Care › Plants, Seeds & Bulbs › Grasses



Roll over image to zoom in



2 Highlights found by Fakespot

Thank you for being a Prime member. Get a $150 Gift Card: Pay $0.00 upon approval for the Amazon Prime Rewards Visa Card. No annual fee.

New (2) from $29.99 + $4.49 shipping

Report incorrect product information.

Fakespot Reviews Analysis
4 out of 5 stars
B
Analyze reviews

This seller is Approved
By Fakespot Guard, learn more

$34.99 /4 SQFT = $8.75/SF
FREE delivery: June 24 - 29
Deliver to Carrie - Malibu 90265 x 1602 = $14,013
In Stock.
Qty: 1
Add to Cart
Buy Now
Secure transaction
Ships from Big Frog Supply
Sold by Big Frog Supply
Return policy: This item is returnable
Add to List

New (2) from
$29.99 + $4.49 shipping

Sponsored

Have one to sell?
Sell on Amazon

Frequently bought together

4 SQ FT

EXHIBIT IV-Q-3

2 votes

Roughly 24 inches by 24 inches, and they are 1-1/2 inches thick. see this link https://www.ndspro.com/PDFs/Tech-Spec-Guides/Grassroad-Pavers-Tufftrack.pdf
By tom g degraw on June 21, 2019

1 vote

Question: How many in box ?

Answer: Only 1 in a box.
By T. Argenbright on August 10, 2020

See more answers (2)

0 votes

Question: We clipped them together to see how well they hold before cutting them. We can't detach them again & need to. How do we do that?

Answer: Pry a flat tip screwdriver down the connecting tab you slid into the adjacent slot. You need to disengage the lip of the tab off the adjacent slot. Start at one end and when you disengage one tab at a time you need to keep it from reattaching. It's not easy, but I believe that's why this is a good product. They don't w... see more
By Tracie R. on March 31, 2020

0 votes

Question: Can gravel be used instead of grass with this grid?

Answer: Read the installation manual at this link.
https://www.ndspro.com/PDFs/Tech-Spec-Guides/Grassroad-Pavers-Tufftrack.pdf
By tom g degraw on May 17, 2019

See more answered questions (15)

amazon

1 item
$16.99



Customer reviews

★★★★☆ 4.2 out of 5

2 Highlights found by Fakespot

37 global ratings

5 star	67%
4 star	6%
3 star	11%
2 star	5%
1 star	10%

How are ratings calculated?

Review this product

Share your thoughts with other customers

Write a customer review



VEVOR Permeable Pavers 1.9" Depth Gravel ...
$56.39

Shop now

Sponsored

Top reviews

Top reviews from the United States

Linda S.

★★★★★ **Product is what I needed**
Reviewed in the United States on September 30, 2020
Verified Purchase

I purchased the product to place under a gate where it was washing out when it rained. It is a gate that I use to enter my backyard with my riding lawnmower. I had gotten a very small dog and with a little digging could have slipped under the gate and out of the fenced in yard. I have very pleased and it has provided me with what I wanted. I put the paver down, put dirt over it, and added grass. It will keep my dog from digging and slipping out. Plus the riding lawnmower goes over it without any problems. I bought a second one for an area that was washing away during very heavy rains.

12 people found this helpful

Helpful Report abuse

echomark

★★★★★ **Strong floor for NDS Flowell. Good product.**
Reviewed in the United States on September 30, 2020
Verified Purchase

Placed on top of gravel and then used it for the floor of the NDS Flowell tank. Strong and durable. Worked just like I expected.

4 people found this helpful

Helpful Report abuse

Donald B. Sherman

★★★★★ **perfect for the application**
Reviewed in the United States on December 17, 2019
Verified Purchase

dug a dry well and used as advised works as designed

6 people found this helpful

Helpful Report abuse

meh

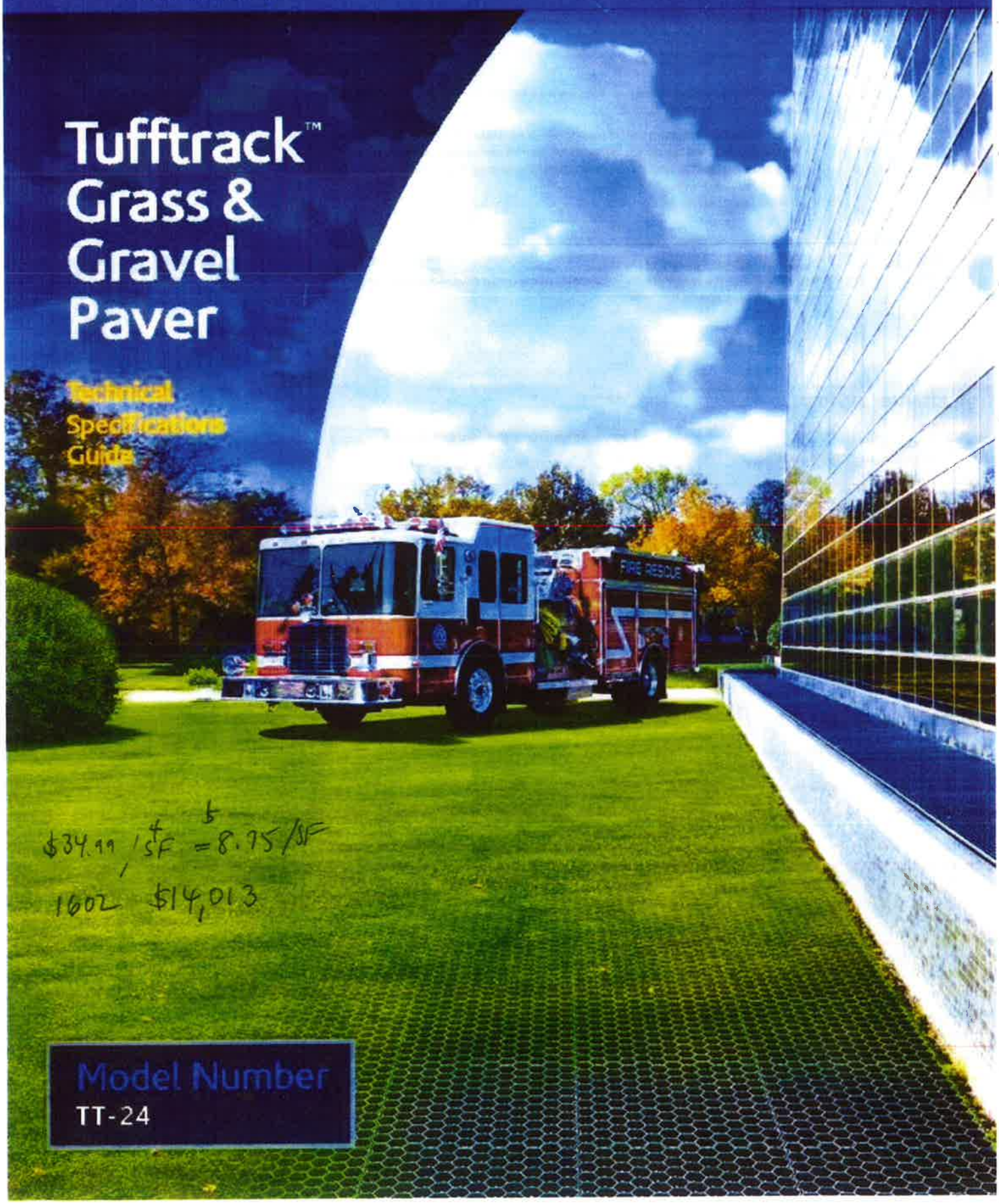
EXHIBIT IV-2-4

NDS
We put water in its place

We put water in its place

Tufftrack™ Grass & Gravel Paver

Technical Specifications Guide



$34.99 / SF = 8.75 / SF

1602 $14,013

Model Number

TT-24

EXHIBIT IV -b

Moon Valley Nurseries

29081 W. Pacific Coast Highway
Malibu, CA 90265
(424) 358-5618

Sales Agreement

Sales Agreement #:	1028
Account #:	000520000851
Page:	1 of 1
Date:	6/17/2021
Time:	9:58:34 AM
Cashier:	nhopping
Register #:	2

Bill To: Norman Haynie
Blue Onyx Design & Engineering Inc
310-456-5515

Ship To: Blue Onyx Design & Eng. Inc.
22729 Pacific Coast Hwy
MALIBU, CA 90265

24" boxes

Rep	Description	Quantity	Price	Extended
nhopping	Oak Coast (Huge) RS	16	$800.00	$12,800.00
	10-12' coastal oaks, includes installation and warranty			
nhopping	Adjust Price for Lowest Price	2	($800.00)	($1,600.00)
nhopping	Get To The Job (Choose Date)	1	$200.00	$200.00
nhopping	Delivery Date on Will Call	1	$0.00	$0.00
nhopping	Marketing-Referred by Friend/R	1	$0.00	$0.00

I AGREE TO ALL TERMS AND CONDITIONS
ON THE BACK OF THE INVOICE
X_____
Thank you for shopping Moon Valley Nursery

Sub Total	$11,400.00
Sales Tax	$1,083.00
Total	$12,483.00
Change Due	$0.00

1028

EXHIBIT V.

Seaview Terrace, LLC
22741 PCH Suite 400
Malibu, Ca 90265
Phone # (310) 456-5515

June 18, 2021

Preliminary Bid based on Plans prepared by LC Engineering Group dated 3/13/18

A) Curbs					
6" X 18"		350	Lineal Feet	22.50	7,875.00
B) Steps & Staircases					
6" steps & Risers		35	Linear Feet	35.50	1,242.50
Setup		4	hours	125.00	500.00
Curb Nosing & Radius Landing		25	Square Feet	22.50	562.50
C) Site Concrete					
5" Thick 3000 p.s.i Concrete over 4" Class 2 base		6,283	Sq Feet	12.80	80,422.40
120 Tons of Class 2 base		175	Tons	28.30	4,952.50
Placement & Compaction		16	Man/Equipment Hours	165.00	2,640.00
5 Concrete Pads for Electric Charging Stations			By Others		-
Stripping & Signage	Budget				5,000.00
Curb Cut & Driveway		300	SF	40.00	12,000.00
Grass Block Parking Area		180	Sf	22.00	3,960.00
Drainage Allowance for 12" Brass Grates		2	Each	520.00	1,040.00
8" PVC Drain & Tie ins		130	LF	45.00	5,850.00
Misc. . Drain Fittings		6	Each	88.00	528.00
Acco Trench Drains		40	LF	180.00	7,200.00
Phoenix Precast 6" diameter dry wells	Allowance	3	Qty	17,500.00	52,500.00
Trash Enclosures and Retaining Walls	By Others				
Erosion Control	Budget				12,000.00
Septic System by Others	N.I.C				-
Sub Total					$198,272.90
Overhead/Profit & Supervision		20%			$ 39,654.58
Total					$237,927.48

TRASH ENCLOSURES METAL - 2,000
Ret. Wall is Part of building

+ 2000.00
$ 237,927.48

C.P.F. Masonry
C-29, C-8 License #878989
2996 Molly court, Newbury Park, Ca 91320
(805)402-4211 Cell (805)498-4852 Office (805)409-4666 Fax

Norman Haynie EXHIBIT – VL

From: Ely Jr's Pumping Inc. <ejp95@verizon.net>
Sent: Tuesday, June 15, 2021 7:11 PM
To: norm@blueonyxdesign.com
Subject: Re: 22741 PCH Hotel project

Hi Norm,
Ely Jr. was able to review the information that we received from Kevin at GTS and the following information is the estimated cost:

Retrofit existing FAST Treatment Tank for required Treatment and Upgrades.
Includes electrical, upgrade, demo and replacement of driveway.

This Estimate Proposal excludes City Approvals, Engineering, and Design.
Estimate Amount $80,000.00

Please let me know if you require this information on a formal Estimate.
Thank you for your patience.

Viviana Simental

Ely Jr's Pumping Inc.
1100 Mercantile St.
Oxnard, CA 93030
805-483-2000 office
805-483-2009 fax
ejp95@verizon.net

-----Original Message-----
From: Norman Haynie <norm@blueonyxdesign.com>
To: 'Ely Jr's Pumping Inc.' <ejp95@verizon.net>
Sent: Thu, Jun 10, 2021 11:17 am
Subject: 22741 PCH Hotel project

Ely:

1. Larry Young says the pits that are in place now will meet the hotel requirements and no additional pits are required.
2. He also states the disinfection units are okay.
3. The existing Fast treatment unit will have to be replaced with "Fast 4.5 Unit", High Strength Fast 4.5 unit.

Questions:

A. Will it fit in the 5000 existing tank?
B. What would you charge to install it? If you are unaware , please specify a cost range. For example, if the cost is between $50,000 and $75,000 then just say that in writing. I need this information for the hotel hearing.

Thank you!

Norm

EXHIBIT VII

The total payment to the architect to date is $89,482, and I am estimating that potential modifications to the plans in the future may cost a maximum of $30,000, for a total of $119,500.

The $89,482 is not an estimate; it is the accumulation of the money I have paid the architect to date. Although 95% of the architectural plans have been completed there will possibly be more work on finishes.

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650

RECEIVED
MAR 15 2018
PLANNING DEPT.

PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department **DATE:** 9/5/2017

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 17-086
JOB ADDRESS:	22729 PACIFIC COAST HWY
APPLICANT / CONTACT:	Norman Haynie, Blue Onyx Design and Engineerin
APPLICANT ADDRESS:	22741 Pacific Coast Highway #400 Malibu, CA 90265
APPLICANT PHONE #:	(310) 456-5515
APPLICANT FAX #:	(310) 456-9821
APPLICANT EMAIL:	norm@blueonyxdesign.com
PROJECT DESCRIPTION:	New 36-Room Boutique Hotel

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.

Norman Haynie
SIGNATURE

4/16/18
DATE

City of Malibu
MEMORANDUM

To: Planning Department

From: Public Works Department
Nicole Benyamin, Assist. Civil Engineer NB

Date: April 6, 2018

Re: Proposed Conditions of Approval for 22729 and 22741 Pacific Coast Highway CDP 17-086 Malibu Terrace Inn

---

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 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 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

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 , the trees 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 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 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 the 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 through the City Clerk's office. A copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.

MISCELLANOUS

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

9. Prior to the issuance of any grading or building permits, the lot merger must be approved by the City and filed with the City Clerk's office.

10. 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.

11. 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.

12. 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.

COMMERCIAL DEVELOPMENT

13. 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, 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 roof or awning to minimize collection of storm water within the secondary containment area.

Recycled Paper

LIP AMENDMENT

3.4.6 Sea View Hotel Overlay District

A. Purpose

The provisions of this section provide custom development criteria and uses for the development of the Sea View Hotel project, as referred to in the Sea View Hotel Development Agreement, a commercial, visitor-serving, transient lodging accommodation development consisting of a 4-story, 6-level, 39-room hotel comprised of 26,734 square feet of floor area and a permitted Floor Area Ratio (FAR) of 0.52 (Project). The Project also includes a spa, onsite restaurant and bar, rooftop deck and pool, surface and subterranean parking areas, landscaping and open space areas, grading, retaining walls, and an upgraded and expanded onsite wastewater treatment system.

The Project involves the remodel of the existing commercial building at 22741 Pacific Coast Highway comprised of 15,392 square feet of floor area, the construction of an addition on the adjacent parcel at 22729 Pacific Coast Highway, comprised of 11,342 square feet of floor area, including the merger of the two parcels for the hotel development to establish the 51,776 square foot (Project Site). The zoning and land use designation will be changed from Community Commercial (CC) to Commercial Visitor Serving (CV) and Commercial Visitor Serving-2 (CV-2) as part of the Project.

B. Description of Area Subject to LIP Section 3.4.6

The provisions of this section shall apply to the Project Site, a 51,776 square foot (1.19 acre) parcel, comprised of two merged parcels, currently identified as 22729 Pacific Coast Highway and 22741 Pacific Coast Highway (Assessor Parcel Numbers 4452-022-010 and 4452-022-017).

C. Applicability

The provisions of this section establish the development standards for the development of the Project on the Project Site, as referred to in the Sea View Hotel Development Agreement.

The Commercial Development Standards contained in LIP Section 3.18, as well as other applicable certified LCP policies and provision shall apply, unless specifically modified by this section.

D. Development Agreement

Pursuant to a Development Agreement between the property owner and the City of Malibu, the allowable Floor to Area Ratio (FAR) is increased from 0.15 to 0.52. The applicant will contribute $400,000 to be expended as the City Council determines to be an appropriate use.

E. Development Standards for Project Site

LOT DEVELOPMENT CRITERIA. The Project Site for the Sea View Hotel is as follows:	
Total Lot Area	51,667 square feet
Lot Width	175.00 feet
Lot Depth	290.03 feet
YARDS/SETBACKS. The provisions of LIP Section 3.8(A)(2) shall not apply. The Sea View Hotel yards/setbacks requirements are as follow:	
Minimum Front Yard Setback	16% of lot depth
Minimum Rear Yard Setback	15% of lot depth
Minimum Side Yard Setback (West)	15% of lot width
Minimum Side Yard Setback (East)	0 feet
Minimum Side Yard Setback (Cumulative)	None required
PROJECTIONS INTO YARDS	
	The provision of LIP Section 3.5.3(B) is modified as follows: • Access and exit stairs required by the Fire Department, and existing retaining walls may project without limit into required side yards.
SITE DEVELOPMENT CRITERIA	

Maximum Floor Area Ratio (F.A.R.)	The provisions of LIP Section 3.8(A)(5)(a) shall not apply. The Sea View Hotel site development criteria are as follow: • The gross square footage is limited to a maximum FAR of 0.52 of the lot area. Floor area excludes access hallways and storage areas created by excavation into the hillside and not visible from Pacific Coast Highway or any other public area.
Minimum Onsite Landscaping	The provision of LIP Section 3.8(A)(5)(b) is modified as follows: • A minimum of 22.25% of the lot area, comprised of landscaped areas, including areas with colorful plants in planters on the ground floor level and on the southerly seaward areas of the various decks.
Minimum Onsite Open Space	The provision of LIP Section 3.8(A)(5)(b) is modified as follows: • A minimum of 40% of lot area, comprised of common and private exterior area located on the ground floor area, reception area, guest room deck and patio areas; and roof deck and patio areas, excluding landscaped areas.
HEIGHT	
Maximum Height Projections	The provisions of LIP Section 3.8(A)(1) shall not apply. The Sea View Hotel height requirements are as follow: • New structures which have sloping roofs that slope less than 25% shall be no higher than 24 feet above the existing grade or finished grade, whichever is lower, excluding basements as shown on the plans.

	• New structures which have sloping roofs that slope 25%, or more, shall be no higher than 28 feet above the existing grade or finished grade, whichever is lower, excluding basements as shown on the plans. Areas such as elevator shafts in order to comply with ADA lows, the wooden deck above the existing tile rooftop deck, the fire exit stairs required by the Fire Department, the safety railing around the decks, and the sound wall as described in the Mitigated Negative Declaration are excluded from the referenced height restrictions. 7' overhangs to eliminate sun from hitting south facing windows are excluded from the height standards.
SITE OF CONSTRUCTION	
	Manufactured slopes that have a layer of concrete on the surface can be developed with structures regardless of slope.

PARKING AND ACCESS	
Parking Requirements	The provisions of LIP Sections 3.14.2 and 3.14.3 shall not apply. The Sea View Hotel parking requirements are as follows: • 1.5 parking spaces per hotel room. • 1 space for each, per-shift employee (11-full time employees per shift = 11 spaces) • 1 space for each 2,977 square feet of gross floor area used for consumption of food or beverages, or public recreation areas (26,800/2,978 = 9 spaces). • 0 spaces for each 5 fixed seats, or for every 35 square feet of assembly area

	where there are no fixed seats in meeting rooms or other assembly areas. The landscaped areas and the parking plan shown on the Sea View Hotel plans are an integral part of the proposed hotel and are acceptable within the overlay district.
Parking Location	The provision of LIP Section 3.14.5(A)(2) is modified as follows: • Required parking may be located in the required front yard setback.
Layout and Paving	The provisions of LIP Section 3.14.5 are modified or shall not apply as follows: • The provision of LIP Section 3.14.5(D)(5) shall not apply. Tire stops are not required for valet parking spaces. • The provisions of LIP Sections 3.14.5(C) and (E) shall not apply. • The landscaped areas and the parking plan shown on the Sea View Hotel plans are an integral part of the proposed hotel and are acceptable within the overlay district.

MONUMENT SIGN AND GENERAL SIGN REQUIREMENTS	
	The provisions of LIP Section 3.15.6 are modified or shall not apply as follows: • The provisions of LIP Section 3.15.6(A)(d)(iii) shall not apply. • Two monument signs shall be permitted, each sign shall be a maximum of 48 square feet, and a maximum height of 6 feet, excluding the base area supporting the sign. One monument sign shall be permitted for Parcel A. One sign shall be permitted to be placed on the building on Parcel B equal in size to 48 square feet. • One address monument sign shall be permitted up to a maximum of 16 square feet, excluding the base area supporting the sign. • There shall be no setbacks required from rights of way or property lines for monument signs.
TEMPORARY USES REQUIRING A PERMIT	
	The provisions of LIP Section 13.4.9 and the temporary use permit process contained within Malibu Municipal Code Chapter 17.68 are modified as follows: • Live entertainment scheduled to occur after 7:00 pm and which will raise the sound level above 40 db with respect to the homes to the north of the hotel project will require a Temporary Use Permit; if the sound level is below 40 db with respect to the homes to the north of the hotel project, then no temporary permit shall be required.

	• Live entertainment scheduled before 7:00 pm will not require a Temporary Use Permit.

F. PERMITTED USES

The following uses and design standards are applicable to the Project

a. Permitted Uses: The following uses and structures are permitted within Sea View Hotel Overly District.

   i. All uses permitted in the Commercial Visitor Serving-2, CV-2, land use zoning district, as specified in the LCP.
   ii. The sale and consumption of alcoholic beverages in a restaurant, in hotel guest rooms and private decks and the rooftop deck.
   iii. Onsite or offsite wastewater treatment facilities.
   iv. Restaurants that are open to the general public will require one parking space for every 100 square feet of serving area.
   v. Retail store which sells beach towels, chairs, sunscreen, hats, bathing suits, food items, and other items that may be desired by hotel guests.
   vi. Electric car charging stations.
   vii. Private lockers available to guests for storage of recreational equipment including, but not limited to surfboards, boogie boards, beach towels, umbrellas, and chairs.
   viii. Residential accommodations for a full-time onsite property manager to ensure that all hotel rules are followed at all times.
   ix. Medical offices.
   x. Special events for public congregations or entertainment, which are temporary in nature.
   xi. Spas, including, but not limited to, steam rooms, lockers, bathrooms.
   xii. Salons.
   xiii. Gyms with physical fitness training equipment.
   xiv. Guest rooms with private decks, rooftop deck; rooftop decks are restricted to hotel guests unless used for special events.
   xv. General office use including, but not limited to the reception office.
   xvi. Other uses determined by the Planning Director to be of a similar nature to uses permitted in this district and the uses referenced above.

b. Prohibited Uses. The following uses are specifically prohibited:

i. Fast food restaurants with drive-thru facilities.
ii. Liquor stores (stand-alone).
iii. Adult book stores.
iv. Hazardous waste facilities.
v. Gas stations.

c. Conditionally Permitted Uses. The following uses may be permitted subject to obtaining a Conditional Use Permit in accordance with the requirements of the MMC:

i. All conditionally permitted uses in the Commercial Visitor Serving-2, CV-2, land use zoning district, as specified in the LCP.
ii. Cocktail lounges, ancillary to restaurant use.
iii. Nursery schools and daycare facilities.
iv. Veterinary hospitals.
v. Churches, temples, mosques and other places of worship.
vi. Hand car washing and detailing, except when the vehicles are owned by a guest of the hotel.
vii. Wireless telecommunications antennae and facilities.
viii. Emergency communication and service facilities.
ix. Cultural and artistic uses (museums, galleries, and performing arts studios).

PROJECTIONS INTO YARDS	
	The provisions of MMC Section 17.40.030(B) are modified as follows: • Access and exit stairs required by the Fire Department, and existing retaining walls may project without limit into required side yards.
SITE DEVELOPMENT CRITERIA	
Maximum Floor Area Ratio (F.A.R.)	The provisions of MMC Section 17.40.080(A)(8)(a) shall not apply. The Sea View Hotel site development criteria are as follow: • The gross square footage is limited to a maximum FAR of 0.52 of the lot area. Floor area excludes access hallways and storage areas created by excavation into the hillside and not visible from Pacific Coast Highway or any other public area.
Minimum Onsite Landscaping	The provision of MMC Section 17.40.080(A)(8)(b) is modified as follows: • A minimum of 22.25% of the lot area, comprised of landscaped areas, including areas with colorful plants in planters on the ground floor level and on the southerly seaward areas of the various decks.
Minimum Onsite Open Space	The provision of MMC Section 17.40.080(A)(8)(b) is modified as follows: • A minimum of 40% of lot area, comprised of common and private exterior area located on the ground floor area, reception area, guest room deck and patio areas; and roof deck and patio areas, excluding landscaped areas.

ZONING TEXT AMENDMENT

17.42.020 Overlay districts.

M. Sea View Hotel Overlay District

The following design standards and uses are applicable to the development of the Sea View Hotel project, as referred to in the Sea View Hotel Development Agreement, a commercial, visitor-serving, transient lodging accommodation development consisting of a 4-story, 6-level, 39-room hotel comprised of 26,734 square feet of floor area and a permitted Floor Area Ratio ("FAR") of 0.52 (Project). The Project also includes a spa, onsite restaurant and bar, rooftop deck and pool, surface and subterranean parking areas, landscaping and open space areas, grading, retaining walls, and an upgraded and expanded onsite wastewater treatment system.

1. Development Standards for Project Site

LOT DEVELOPMENT CRITERIA. The Project Site for the Sea View Hotel is as follows:	
Total Lot Area	51,667 square feet
Lot Width	175.00 feet
Lot Depth	290.03 feet
YARDS/SETBACKS. The provisions of MMC Section 17.40.080(A)(2) shall not apply. The Sea View Hotel yards/setbacks requirements are as follow:	
Minimum Front Yard Setback	16% of lot depth
Minimum Rear Yard Setback	15% of lot depth
Minimum Side Yard Setback (West)	15% of lot width
Minimum Side Yard Setback (East)	0 feet
Minimum Side Yard Setback (Cumulative)	None required

HEIGHT	
Maximum Height Projections	The provisions of MMC Section 17.40.080(A)(1)(a) shall not apply. The Sea View Hotel height requirements are as follow: • New structures which have sloping roofs that slope less than 25% shall be no higher than 24 feet above the existing grade or finished grade, whichever is lower, excluding basements as shown on the plans. • New structures which have sloping roofs that slope 25%, or more, shall be no higher than 28 feet above the existing grade or finished grade, whichever is lower, excluding basements as shown on the plans. Areas such as elevator shafts in order to comply with ADA lows, the wooden deck above the existing tile rooftop deck, the fire exit stairs required by the Fire Department, the safety railing around the decks, and the sound wall as described in the Mitigated Negative Declaration are excluded from the referenced height restrictions. 7' overhangs to eliminate sun from hitting south facing windows are excluded from the height standards.
SITE OF CONSTRUCTION	
	The provision of MMC Section 17.40.080(A)(6) is modified as follows: • Manufactured slopes that have a layer of concrete on the surface can be developed with structures regardless of slope.
PARKING AND ACCESS	

Parking Requirements	The provisions of MMC Sections 17.48.020 and 17.48.030 shall not apply. The Sea View Hotel parking requirements are as follows: • 1.5 parking spaces per hotel room. • 1 space for each, per-shift employee (11-full time employees per shift = 11 spaces) • 1 space for each 2,977 square feet of gross floor area used for consumption of food or beverages, or public recreation areas (26,800/2,978 = 9 spaces). • 0 spaces for each 5 fixed seats, or for every 35 square feet of assembly area where there are no fixed seats in meeting rooms or other assembly areas. The landscaped areas and the parking plan shown on the Sea View Hotel plans are an integral part of the proposed hotel and are acceptable within the overlay district.
Parking Location	The provision of MMC Section 17.48.050(A)(2) is modified as follows: • Required parking may be located in the required front yard setback.
Layout and Paving	The provisions of MMC Sections 17.48.050(C), (D) and (E) are modified or shall not apply as follows: • The provision of MMC Section 17.48.050 (D)(5) shall not apply. Tire stops are not required for valet parking spaces. • The provisions of MMC Sections 17.48.050 (C) and (E) shall not apply. • The landscaped areas and the parking plan shown on the Sea View Hotel plans are an integral part of the proposed hotel

	and are acceptable within the overlay district.
MONUMENT SIGN AND GENERAL SIGN REQUIREMENTS	
	The provisions of MMC Section 17.52.070 are modified or shall not apply as follows: • The provisions of MMC Section 17.52.070(A)(c)(iii) shall not apply. • Two monument signs shall be permitted, each sign shall be a maximum of 48 square feet, and a maximum height of 6 feet, excluding the base area supporting the sign. One monument sign shall be permitted for Parcel A. One sign shall be permitted to be placed on the building on Parcel B equal in size to 48 square feet. • One address monument sign shall be permitted up to a maximum of 16 square feet, excluding the base area supporting the sign. • There shall be no setbacks required from rights of way or property lines for monument signs.
TEMPORARY USES REQUIRING A PERMIT	
	The provisions of MMC Section 17.68 and the temporary use permit process contained within Malibu Municipal Code Chapter 17.68 are modified as follows: • Live entertainment scheduled to occur after 7:00 pm and which will raise the sound level above 40 db with respect to the homes to the north of the hotel project will require a Temporary Use Permit; if the sound level is below 40 db with respect to the homes to the north of the hotel project,

	then no temporary permit shall be required. • Live entertainment scheduled before 7:00 pm will not require a Temporary Use Permit.

2. PERMITTED USES

The following uses and design standards are applicable to the Project

a. Permitted Uses: The following uses and structures are permitted within Sea View Hotel Overly District.

i. All uses permitted in the Commercial Visitor Serving-2, CV-2, land use zoning district, as specified in the MMC.
ii. The sale and consumption of alcoholic beverages in a restaurant, in hotel guest rooms and private decks and the rooftop deck.
iii. Onsite or offsite wastewater treatment facilities.
iv. Restaurants that are open to the general public will require one parking space for every 100 square feet of serving area.
v. Retail store which sells beach towels, chairs, sunscreen, hats, bathing suits, food items, and other items that may be desired by hotel guests.
vi. Electric car charging stations.
vii. Private lockers available to guests for storage of recreational equipment including, but not limited to surfboards, boogie boards, beach towels, umbrellas, and chairs.
viii. Residential accommodations for a full-time onsite property manager to ensure that all hotel rules are followed at all times.
ix. Medical offices.
x. Special events for public congregations or entertainment, which are temporary in nature.
xi. Spas, including, but not limited to, steam rooms, lockers, bathrooms.
xii. Salons.
xiii. Gyms with physical fitness training equipment.
xiv. Guest rooms with private decks, rooftop deck; rooftop decks are restricted to hotel guests unless used for special events.
xv. General office use including, but not limited to the reception office.
xvi. Other uses determined by the Planning Director to be of a similar nature to uses permitted in this district and the uses referenced above.

b. Prohibited Uses. The following uses are specifically prohibited:

   i. Fast food restaurants with drive-thru facilities.
   ii. Liquor stores (stand-alone).
   iii. Adult book stores.
   iv. Hazardous waste facilities.
   v. Gas stations.

c. Conditionally Permitted Uses. The following uses may be permitted subject to obtaining a Conditional Use Permit in accordance with the requirements of the MMC:

   i. All conditionally permitted uses in the Commercial Visitor Serving-2, CV-2, land use zoning district, as specified in the Malibu LCP.
   ii. Cocktail lounges, ancillary to restaurant use.
   iii. Nursery schools and daycare facilities.
   iv. Veterinary hospitals.
   v. Churches, temples, mosques and other places of worship.
   vi. Hand car washing and detailing, except when the vehicles are owned by a guest of the hotel.
   vii. Wireless telecommunications antennae and facilities.
   viii. Emergency communication and service facilities.
   ix. Cultural and artistic uses (museums, galleries, and performing arts studios).

Site and Story Pole Photographs



Project site facing north across from Pacific Coast Highway



Project site facing northwest across from Pacific Coast Highway



Project site facing north from 22729 Pacific Coast Highway



Project site and existing driveway facing northeast



Project site facing west from east of subject property



Story poles facing east from driveway

GENERAL PLAN AMENDMENT

Section 1.5.4:

The CV designation provides for visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Floor-to-Area Ratio (FAR) shall range from a maximum of 0.15 to 0.25, with the exception of the Sea View Hotel Overlay, which shall have a maximum FAR of 0.52. CV designations are divided into two levels of density. Hotels are only permitted in CV-2 designations, the highest density designation. Visitor serving uses such as motels and hotels shall be consistent with compatible accessory uses, shall protect the surrounding properties, shall ensure safe traffic circulation and shall promote economically viable visitor serving areas of the City

City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265-4861

INITIAL STUDY &
MITIGATED NEGATIVE DECLARATION

Sea View Hotel Project
22729 and 22741 Pacific Coast Highway

The Initial Study and Mitigated Negative Declaration is available for review at:

https://www.malibucity.org/DocumentCenter/View/27563/Sea-View-Hotel-Initial-Study_MND_FINAL

and

https://www.malibucity.org/seaviewhotel

ATTACHMENT 10

NOTICE OF PUBLIC HEARING
CITY OF MALIBU
PLANNING COMMISSION

NOTICE OF AVAILABILITY
OF LCP AMENDMENT MATERIALS

The Malibu Planning Commission will hold public hearing on **MONDAY, June 7, 2021, at 6:30 p.m.** on the project identified below. This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order. All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

How to View the Meeting: No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at https://malibucity.org/video and https://malibucity.org/VirtualMeeting.

How to Participate Before the Meeting: Members of the public are encouraged to submit email correspondence to planningcommission@malibucity.org before the meeting begins.

How to Participate During the Meeting: Members of the public may also speak during the meeting through the online Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized.

Please visit https://malibucity.org/VirtualMeeting and follow the directions for signing up to speak and downloading the Zoom application.

SEA VIEW HOTEL

COASTAL DEVELOPMENT PERMIT NO. 17-086, CONDITIONAL USE PERMIT NO. 21-001, GENERAL PLAN MAP AMENDMENT NO. 17-002, LOCAL COASTAL PROGRAM AMENDMENT NO. 16-006, ZONING MAP AMENDMENT NO. 17-002, ZONING TEXT AMENDMENT NO. 20-001, DEVELOPMENT AGREEMENT NO. 21-001, LOT MERGER NO. 20-002, DEMOLITION PERMIT NO. 20-19, INITIAL STUDY NO. 21-001, AND MITIGATED NEGATIVE DECLARATION NO. 21-001 – An application to rezone and change the land use designation of the properties from Community Commercial (CC) to Commercial Visitor Serving-2 (CV-2), a new Seaview Hotel Overlay District with associated development standards, including the proposed floor area ratio of 0.52 for the public benefits provided by the project, and a new 26,734 square foot, 39-room hotel, involving the remodel of an existing four-story, 15,392 square foot commercial building and a 9,500 square foot parking level at 22741 Pacific Coast Highway (PCH) and construction of a new two-story, 11,342 square foot addition plus a basement on an adjacent parcel at 22729 PCH. The project includes a restaurant/bar, spa, rooftop deck and swimming pool, new surface parking lot, hardscape, landscaping, grading, retaining wall, lighting, utilities, and an upgrade and expansion of the existing onsite wastewater treatment system and associated lot merger of the two involved parcels

Locations:	22729 and 22741 Pacific Coast Highway
APNs:	4452-022-010 and 4452-022-017
Zoning:	Community Commercial (CC)
Applicant:	Blue Onyx Design and Engineering, Inc.
Owners:	Grey Granite, LLC; Las Tunas Beach, LLC; and Sea View Terrace, LLC
Application Filed:	November 22, 2016
Case Planner:	Lilly Rudolph, Contract Planner (310) 456-2489, extension lrudolph@malibucity.org

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Pursuant to the authority and criteria contained in CEQA, the Planning Director has analyzed the proposed project. The Planning Department prepared an Initial Study pursuant to CEQA Guidelines Section 15300.2(c). The Initial Study analyzed the proposed Sea View Hotel Project and determined that with mitigation measures and standard conditions of approval, the proposed project will not have a significant impact on the environment; subsequently, a Mitigated Negative Declaration was prepared and circulated pursuant to CEQA Guidelines Section 15070 (SCH# 2021020208).

A written staff report will be available at or before the hearing for the projects. All persons wishing to address the Commission regarding these matters will be afforded an opportunity in accordance with the Commission's procedures.

LCP Local Implementation Plan Section 19.3.1 requires review drafts be made readily available for public perusal in local libraries, in the City administrative offices, and at the California Coastal Commission District office. Please note that facility closures due to protocols to prevent the spread of COVID-19 may preclude the LCP amendment documents being available for review in person, but documents will be available by contacting the Case Planner during regular business hours. For availability of documents from the Coastal Commission, please contact them directly at 805-585-1800 for the status of their protocols. For availability of documents at the Malibu Library please contact them directly at 310-456-6438. Oral and written comments may be presented to the Planning Commission on, or before, the date of the meeting.

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

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Richard Mollica, Planning Director

Publish Date: May 13, 2021