City Council Meeting
11-22-10
Item
4.A.

Council Agenda Report

To: Mayor Wagner and the Honorable Members of the City Council

Prepared by: Stephanie Danner, Senior Planner SD

Reviewed by: Joyce Parker-Bozylinski, AICP, Planning Manager JPB
Victor Peterson, Community Development Director

Approved by: Jim Thorsen, City Manager JT

Date prepared: November 4, 2010 Meeting date: November 22, 2010

Subject: Appeal No. 10-002 – Appeal of Planning Commission Resolution No. 10-79, Approving Conditional Use Permit No. 09-009 and Joint Use Parking Agreement No. 10-001 – To Permit the Malibu Inn Restaurant with Live Entertainment Which Will Serve Liquor, Operate Between the Hours of 7:00 a.m. and 2:00 a.m., and Have a Maximum Restaurant Seating Capacity of 94 Patrons, a Maximum Capacity of 340 Patrons for Entertainment Events and 565 Square Feet of Retail Space at the 8,960 Square Foot Commercial Building; Including a Joint Use Parking Agreement for Required Parking Spaces to be Located on the Adjacent Property in the Commercial Visitor Serving–1 Zoning District Located at 22969 Pacific Coast Highway

Appellants:	Robert J. Allan Klaus Obermeyer
Appeal Filed:	September 16, 2010
Application Filing Date:	December 3, 2009 (CUP No. 09-009)
Applicant:	Elizabeth Peterson
Property Owner:	Kambiz Hakim
Zoning:	Commercial Visitor Serving–1 (CV-1)
APN:	4452-019-004
Location:	22969 Pacific Coast Highway

RECOMMENDED ACTION: Adopt Resolution No. 10-59 (Attachment 1) denying Appeal No. 10-002, approving Conditional Use Permit (CUP) No. 09-009 and Joint Use Parking Agreement (JUPA) No. 10-001 to permit the Malibu Inn restaurant with live entertainment which will serve liquor, operate between the hours of 7:00 a.m. and 2:00 a.m., and have a maximum restaurant seating capacity of 94 patrons, a maximum capacity of 340 patrons for entertainment events and 565 square feet of retail space at the 8,960 square foot commercial building; including a JUPA for required parking spaces to be located on the adjacent property in the Commercial Visitor Serving–1 (CV-1) zoning district located at 22969 Pacific Coast Highway (PCH).

FISCAL IMPACT: The project is being undertaken by a private party and will have no fiscal impact on the City.

DISCUSSION: The matter is an appeal (Appeal No. 10-002 – Attachment 2) of the Planning Commission's approval of CUP No. 09-009 and JUPA No. 10-001 to permit the Malibu Inn to operate at 22969 PCH which was approved by the Planning Commission on September 7, 2010. Planning Commission Resolution No. 10-79 and the related Planning Commission Agenda Reports are included as Attachments 3 and 7.

As the subject application is for a conditional use permit, it is subject to the requirements set forth in the Malibu Municipal Code (M.M.C.) rather than those of the Local Coastal Program (LCP). While the LCP states that a conditional use permit is required for the restaurant, bar and live music uses proposed, there are no other references/requirements for conditional use permits in that document. The project does not require a coastal development permit as no development is being proposed in conjunction with this application. All of the requirements for conditional use permits may be found M.M.C. Chapter 17.66. Likewise, the requirements for the joint use parking agreement are outlined in M.M.C. Section 17.48.040.

The main issues raised in the appeal relate to the consistency of the proposed use with M.M.C. and General Plan requirements and the adequacy of parking for the use. The filed appeal is discussed in this report under "Items on Appeal to the City Council."

After careful examination of the appeal statement and all of the evidence in the record, staff believes that all of the required findings for approval of the project are supported by substantial evidence in the record. Accordingly, staff recommends that the City Council deny the appeal and approve the project entitlements.

PROJECT BACKGROUND:

Surrounding Land Use and Setting

The subject property is located north of PCH, north of the Pacific Ocean and Malibu Pier, in a commercially developed neighborhood. Commercial properties occupy adjacent properties to the south and west. A vacant commercial property, owned by the same owner as the subject property, currently containing a parking lot is located immediately to the east. A steep hill is located immediately adjacent to the northern property line, atop which are residentially zoned parcels and two large residences, the closest of which is approximately 200 feet away. A public parking lot which serves the adjacent Malibu Pier is sited south of the subject property and south of PCH. In addition, there is a small grouping of seven beachfront residences located adjacent to the Pier, across PCH to the southwest.

The subject property is approximately 29,621 square feet in size and is rectangular in shape. The site contains an existing 8,960 square foot building that is one story in height, with the exception of a small 220 square foot dressing room located above the restroom area. Refer to Attachment 7 for site photos and the as-built floor plan. The building currently has five restrooms, two which serve the main service area, one which is located on the upper level in the dressing room and two which are located adjacent to the retail space. The space also includes a large bar, a stage and dance floor area and a billiards room. The total service area proposed for the use equals 2,474 square feet and includes: a 1,184 square foot interior service area, a 751 square foot service area on the outdoor patio which includes a bar located on the western side of the property and a 539 square foot service area in the banquet room located adjacent to the retail space. Finally, a 565 square foot retail space is located at the eastern portion of the building and takes direct access from the parking lot.

There is an outdoor patio located at the western side of the property, which was not a part of the original building. However, the retaining wall, along the hillside at the rear of the property, which creates the area for the patio, was done without the benefit of permits. As a condition of approval, the applicant is required to acquire an after-the-fact building permit for the unpermitted retaining wall. The associated garden wall separating the patio from the parking lot did not require a permit as it was exempt from building permits due to the fact that it does not exceed six feet in height and is located on a flat surface. The service area that exists on the patio (a total of 751 square feet) requires the provision of additional parking spaces, which is discussed in detail in this report.

A total of 20 full size parking spaces plus two Americans with Disabilities Act (ADA) parking spaces are provided onsite. There are two driveway curb cuts which provide access to the property off of PCH and there is a traffic signal and cross walk immediately south of the property, which provides access across the highway to the Pier and the adjacent public parking lot. Finally, a large pole sign is located at the middle of the front property line adjacent to PCH and a second pole sign is located at the eastern property line.

The existing onsite wastewater treatment system (OWTS) includes two septic tanks, three separate leachfield areas and two seepage pits. In addition, the 100 percent future expansion area, dedicated should the existing leachfields fail, is located on the adjacent property (APN 4452-019-005) and is linked to the subject property via a recorded covenant.

Project Description

The applicant currently operates an existing restaurant which serves breakfast and lunch and wishes to expand the use to include dinner service, distilled liquor service and live entertainment with dancing. In order to accomplish the project goal to restore the previously existing use at the Malibu Inn, a CUP is required. Furthermore, due to the requirement that the restaurant / bar / live entertainment use provide parking spaces that cannot be accommodated onsite, a Joint Use Parking Agreement (JUPA No. 10-001) is required to provide the required parking on the adjacent vacant property at 22959 PCH.

Tenant Improvements

The existing service area on the property totals 2,474 square feet (1,184 square foot interior service area, a 751 square foot service area on the outdoor patio which includes a bar and a 539 square foot service area in the banquet room). The service area will not change as a result of the proposed project. Additionally, no new square footage or exterior improvements are included in the application and only minor renovations to the interior of the existing commercial building are proposed. Specific interior improvements to the commercial space include: replacing existing flooring, refinishing the bars, upgrading televisions, changing furniture and lighting fixtures, replacing windows with double pane soundproof glass; while keeping a uniform wainscot and rustic wooden theme throughout.

Onsite Wastewater Treatment System

In April 2010, Ensitu Engineering Inc. completed an in depth analysis of wastewater generation for the proposed use. In order to confirm conformance with percolation test requirements as outlined in the Malibu Plumbing Code, flow

testing was performed at the subject property. The testing required isolation of the front, east and west leachfields prior to beginning the test. On the first day of the test, a licensed soils engineer introduced 6,497 gallons of water to the three dispersal fields in order to pre-soak the leachfields. On each of the following three consecutive days, the soils engineer introduced an additional 6,497 gallons of water to the three fields. A final additional test was performed on the fifth day. Using the allocations of restaurant / retail and entertainment flows outlined in Table 1 below, the water was metered according to the proportion of total absorption area contributed by each leachfield.

The following table shows the estimated flow rate for the proposed use.

Table 1 – Malibu Inn Restaurant / Entertainment / Retail Flow Calcs		
94 restaurant seats	50 gpd* / seat	4,700 gpd
340 entertainment patrons	5 gpd / person	1,700 gpd
565 square foot retail space	1 gpd / 10 sq ft of floor space	57 gpd
2 retail employees	20 gpd / employee	40 gpd
Total Bar / Restaurant Flow		6,497 gpd

*gpd = gallons per day

After the five day testing period, Ensitu determined the following:

1. The existing grease interceptor capacity is sized to accommodate a full day's flow, rather than the code required minimum;
2. The site is currently served by two 3,000 gallon septic tanks (providing storage for 6,000 gallons total), which meet the required septic tank capacity of 5,998 gallons;
3. The absorption area of the existing leachfields is 3,360 square feet and the existing seepage pits will be abandoned. The existing leachfield size exceeds the minimum required effective absorption area which is 3,187 square feet; and
4. The OWTS is acceptable for the use proposed.

The City Environmental Health Administrator has reviewed the April 2010 Ensitu Report and has approved the project, as proposed. Conditions of approval have been incorporated in City Council Resolution No. 10-59, which reflect the recommendations of the reports and ensure that the wastewater generated by the proposed use is managed.

Hours of Operation

The proposed hours of operation are seven days a week from 7:00 a.m. to 2:00 a.m. Under previous property owners the hours of operation were seven days a week from 8:00 a.m. to 2:00 a.m. Currently only breakfast and lunch are served at the Malibu Inn and it typically closes around mid-afternoon / early evening, after patrons have finished lunch. Upon approval of the conditional use permit, dinner, alcohol service and live entertainment may resume.

Daily Operations

A full menu will be served during all hours of operation, including breakfast, brunch, lunch and dinner offerings. Breakfast and lunch items will be sold throughout the day until close. On days featuring live music, dinner will continue to be served as normal and the kitchen will be open until 2:00 a.m.

The applicant has provided information regarding employees of the Malibu Inn. Mondays through Thursdays, there will be approximately 15 people on staff (including wait staff, bartenders, front of house staff and kitchen staff) throughout the course of each day. On Fridays through Sundays, there will be approximately 24 people on staff throughout the course of each day.

Deliveries are planned for Mondays, Wednesdays and Fridays every week. All deliveries are scheduled between 8:00 a.m. and 11:00 a.m. on those days.

Service Area

The capacity of the existing OWTS, dictates the total number of patrons that may visit the Malibu Inn per day. At current design flow rates, the applicant is permitted a maximum restaurant seating capacity of 94 people in the interior and exterior seating areas.[1] The rest of the tenant space is planned for a food preparation and employee area, as well as restrooms. As stated previously, the existing service area on the property, totaling 2,474 square feet, will not change as a result of the proposed project.

Liquor and Entertainment Licenses

The applicant has applied to the California Department of Alcoholic Beverage Control (ABC) for a Type 47 license which permits the sale of beer, wine and distilled spirits for consumption on the licenses premises. The license holder

[1] The LACFD reviewed the proposed CUP and set max building capacity for both the restaurant use (95 patrons) and standing room use (340 patrons). Because the capacity set by the size of the existing OWTS is more restrictive, that standard will rule.

must operate and maintain the premises as a bona fide eating place, maintain suitable kitchen facilities, and make actual and substantial sales of meals for consumption on the premises. Minors are allowed on premises that hold this type of license. The ABC will not issue the license until the applicant has obtained an approved CUP from the City.

In addition, the applicant has also applied for an Entertainment License from the Los Angeles County Sheriff's Department (LACSD) to permit dancing and live entertainment. The LACSD will only consider the proposal after it receives confirmation that the City has issued the CUP. A condition of approval has been included in City Council Resolution No. 10-59 which requires that the property owner submit copies of these licenses to the Planning Division when they are obtained.

Live Entertainment

At its September 7, 2010 meeting, the Planning Commission included a condition of approval to limit the number of live entertainment events as follows:

1. Eight small live entertainment events per month (2 times a week = 96/365 days of the year = 26 percent)
2. Two large live entertainment events[2] per month (24/365 days of the year = 6.5 percent)

Furthermore, conditions of approval were included in Planning Commission Resolution No. 10-79 which: 1) prohibit live entertainment outside on the patio; 2) prohibit unnecessary and boisterous noise from the patio; 3) require that noise emanating from the premises shall not be plainly audible at a distance of five feet of any residential dwelling unit during those hours, as required by M.M.C. Section 8.24.050(L); and 4) require that security personnel be present onsite daily from 9:00 p.m. to closing to ensure that patrons leaving the establishment will not adversely affect the welfare of neighborhood residents.

Project Chronology / History

The building which houses the Malibu Inn was constructed in 1950 and the adjacent lot has historically provided parking. The use has operated under multiple owners for more than 50 years at the current location and began operating with live entertainment under the name Crazy Horse Saloon in the late 1970s.

[2] A large event is categorized as having 100 or more attendees.

On June 3, 2008, Over the Counter Permit (OC) No. 08-102 was issued to re-open the 565 square foot retail space for the tenant Sabotage.

Due to a change in ownership of the subject property, the business closed in December 2008 and the restaurant and entertainment venue use ceased.

On May 26, 2009, breakfast and lunch service at the restaurant resumed. Currently, the Malibu Inn typically closes around mid-afternoon / early evening, after patrons have finished lunch.

On December 3, 2009, the subject application was submitted to the Planning Division by Elizabeth Peterson. The application was routed to the City Environmental Health Administrator, the Los Angeles County Fire Department (LACFD) and the LACSD for review.

On January 12, 2010, a Courtesy Notice of Proposed Project was mailed to all property owners and occupants within a 500 foot radius of the subject property.
On May 26, 2010, the application was deemed complete for processing.

On July 8, 2010, 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.

On August 3, 2010, at the request of the applicant, the public hearing was continued to the September 7, 2010 Regular Planning Commission meeting.

On September 7, 2010, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, public testimony and all related information. At the conclusion of the hearing, the Planning Commission adopted Resolution No. 10-79 approving CUP No. 09-009 and JUPA No. 10-001.

On September 16, 2010, Appeal No. 10-002 was filed by Klaus Obermeyer (property owner at 23006 PCH) and Robert J. Allan (property owner at 23018 PCH).

On September 27, 2010, in accordance with Malibu Municipal Code (M.M.C.) Section 17.04.220(C), the appellants submitted additional information related to the appeal before the 10 day deadline.

On October 12, 2010, the appeal was deemed complete by staff.

On October 28, 2010, a Notice of City Council 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.

ITEMS ON APPEAL TO THE CITY COUNCIL

The appellants have expressed several concerns regarding the proposed project. These concerns are related to the proposed conditional use permit's consistency with various sections of the M.M.C. as well as the General Plan.

Listed below in italics are the appellants' statements contained in the filed appeal document; a response to each statement immediately follows each appeal issue. The full text of the appeal is included as Attachment 2.

Table 3 – Responses to Appeal

1	*The project violates M.M.C. Section 17.60.040.*
	M.M.C. Section 17.60.040 states: "A. Uses which were lawfully established prior to March 26, 1993, and which are no longer permitted or which require a discretionary permit as a result of adoption of this title, or any subsequent amendment thereto, may be continuously maintained, subject to the provisions of this section. B. Uses described in subsection A of this section which are discontinued shall not be resumed. Discontinuance occurs where the use has ceased operating for a period of one hundred eighty (180) days, or has changed so as to be in compliance with this title, or where the structure used for the use has been removed or destroyed." The appellants contend that the use should not be resumed. However, the specific text of M.M.C. Section 17.60.040 refers to uses which are no longer permitted. This section does not apply to the proposed use of the subject commercial building for a bar and restaurant with live entertainment because bars, restaurants, and live entertainment are specifically listed as a conditionally permitted use in the CV-1 zoning district. Due to the fact that the dinner service, alcohol sales and live entertainment portion of the proposed use was discontinued for a period of more than 180 days, the property owner was required to submit an application to the City for a conditional use permit. None of the previous tenants of the subject

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	commercial building had a conditional use permit for the operation of a restaurant and bar with live entertainment. The reason no prior conditional use permit exists is due to the fact that the use began prior to cityhood at a time when conditional use permits were not required. As the use continued (up to the closing of the Malibu Inn by the previous property owner) without ceasing for more than 180 consecutive days, a conditional use permit was never required in the past. The proposed use, which has been known by multiple names, has operated on the subject property since before the adoption of any of the land use documents of the City of Malibu (General Plan, Municipal Code and Local Coastal Program). The application to resume the previously existing use was reviewed by staff and approved by appropriate city and county agencies for compliance with the requirements for the issuance of a conditional use permit. The project does not violate M.M.C. Section 17.60.040.
2	*The project violates M.M.C. Section 17.48.040*
	M.M.C. Section 17.48.040 provides the three conditions which must be met prior to approval of a Joint Use Parking Agreement. The appellants assert that there is not enough required onsite parking due to the way in which staff calculated the service area. The appellants state that the use should be required to provide 68 parking spaces, rather than the 53 spaces that are proposed under the subject CUP application. The M.M.C. does not provide a definition of service area or provide the manner by which it should be calculated. As such, staff relied upon previous Planning Commission decisions related to the approvals of the Pierview and Windsail Restaurant projects located at 22706 and 22716 Pacific Coast Highway. For those projects, the service area was calculated using the space which would be served for meals (which would be the primary use of the structure) and subtracting out walkways and other intervening objects. As the Malibu Inn would be primarily used as a restaurant, staff determined that the previous way of determining service area for the other two restaurants was appropriate. The service area calculation plans were given to the Malibu Inn project architect who drew a plan for the Malibu Inn based upon the methodology of the Pierview and Windsail plans. Staff reviewed the plan that was submitted and concurred that it conformed to the previously approved plans. The result of the analysis was that the proposed service area requires 53 parking spaces per M.M.C. requirements.

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While the appellants assert that an additional 15 parking spaces are required for the proposed use, they did not provide any evidence as to how this number was determined. Staff relied upon previous decisions of the Planning Commission regarding appropriate calculations of service area for this project. Regarding the three conditions which must be met for the joint use parking agreement to be valid, the Planning Commission determined the following: • The proposed hours of operation for the subject use are from 7:00 a.m. to 2:00 a.m. The adjacent property at 22959 Pacific Coast Highway is undeveloped with the exception of the parking lot historically used to provide parking for the Malibu Inn. However, an application (CDP No. 09-67) for a commercial building for that site has been submitted to the Planning Division. The new commercial building design will incorporate the required parking for any proposed office / retail use as well as maintain the required parking for the Malibu Inn pursuant to the joint use parking agreement. • Historically, the heaviest parking demand at the Malibu Inn is primarily evenings and weekends. Commercial development on the adjacent parcel is anticipated to be either office or retail with primarily daytime operating hours. In addition, the 31 spaces required for the Malibu Inn will be supplementary to the parking spaces required for the new commercial development, so the uses will not be in conflict. • The subject property owner owns the subject property and the adjacent commercial property involved in the joint use parking agreement. The subject property will operate from 7:00 a.m. to 2:00 a.m. daily, with live entertainment primarily taking place in the evenings. While the proposed use can change in the future, it is anticipated that there will be no substantial conflict in the principal operating hours for the two properties. Additionally, the appellants make a reference to employees taking up spaces on the property that should instead be used for patrons. It is important to note that all of the parking spaces required by the M.M.C. are being provided in conjunction with the conditional use permit application. The property owner has decided to free up more onsite parking by providing additional parking spaces at another building that he owns (22761 Pacific Coast Highway) where the employees will park. This will prevent employees from parking along Pacific Coast Highway when there are many patrons at the Malibu Inn.

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	Finally, the appellants' statement that "at 53 spaces, it would require each car to contain 6.4 patrons per car" [for those events that will be at maximum capacity], is not relevant to the way in which the M.M.C. designates parking requirements. Per M.M.C. Section 17.48.030, restaurants, entertainment and similar establishments for the sale of food or beverages on the premises require one parking space for each 50 square feet of service area. The code requirements for this type of use are not based on the number of patrons or customers that may be onsite at any one time. As such, the parking requirements have been applied properly for the proposed use.
3	*The project does not comply with the intent of Title 17 of the M.M.C.* *The appellants clarify their statement with "the CV-1 district is intended to provide for visitor serving uses, including motels and bed and breakfast inns, which serve visitors and residents which respect the rural character and natural environmental setting...the nightclub aspect of the proposed use does not respect the character and natural environmental setting in Malibu."*
	In addition to motels and bed and breakfast inns, restaurants, bars and live entertainment are also conditionally permitted uses within the CV-1 zoning district. The proposed use of the Malibu Inn is specifically included in those uses allowed in the CV-1 zone. While the appellants refer to the Malibu Inn as a nightclub, the M.M.C. definition of nightclub is very broad. Nightclub is defined as "meaning any bar, cocktail lounge, discotheque, restaurant, or similar activity which includes alcoholic beverage service, dancing and/or entertainment, whether such activity is the principal business use or incidental to a primary use." Under this definition, most of the restaurants operating in the City would fall under the definition of a nightclub. The primary function of the Malibu Inn will be a restaurant that serves food and alcoholic beverages during its hours of operation. On occasion there will be live entertainment provided, up to a maximum of two large events and eight small events per month. Over a year's time, large events may occur up to 6.5 percent (24/365 days of the year) of the time and small events may occur up to 26 percent (96/365 days of the year) of the time. The relatively small number of entertainment events makes up a small portion of the overall use on the commercial property. The Malibu Inn has historically operated on the subject property for many years and is a visitor and community serving use. With the incorporation of the conditions of approval, the use will respect the character and natural

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	environmental setting in Malibu.
4	*The project would impair the integrity of the CV-1 zone. Finding 2 cannot be made because the project would impair the integrity and character of the zoning district in which it is located.*
	Refer to Response 3. The proposed use is a commercial use on commercially zoned property and therefore, would not impair the integrity and character of the CV-1 zoning district. The Malibu Inn has occupied the subject property for several decades and is located within a long strip of commercial properties on the landward side of Pacific Coast Highway, east of the pier. Furthermore, the proposed project will conditionally permit the previously operating restaurant and therefore is not anticipated to result in a change from the existing conditions within the zoning district. Finally, the use previously had California Department of Alcohol Beverage Control (ABC) Liquor License and operated as a restaurant with a bar and live entertainment. The issuance of a conditional use permit to allow the operation of the Malibu Inn, a restaurant and bar with limited live entertainment, will not impair the integrity of the CV-1 zoning district.
5	*The project is not suitable for the type of land use being proposed. Finding 3 cannot be made because there is not enough required parking.*
	The project site contains existing commercial development. The proposed tenant improvements consist of a minor interior remodel only and no exterior changes are included in the project scope. The business has operated on the subject property since the 1950s. A total of 53 parking spaces are required for the proposed use. There are 22 parking spaces that exist onsite and the property owner has agreed to a joint use parking agreement to provide for the remaining 31 spaces to be located on the adjacent property that he also owns. The parking spaces will be provided for the use of the patrons of the Malibu Inn. Therefore, the site is physically suitable for the use being proposed.
6	*The project is not compatible with the surrounding uses of the neighborhood. Finding 4 cannot be made.*

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The Malibu Inn has operated at the subject property since the 1950s. It closed briefly at the end of 2008 due to the sale of the property. The property is surrounded by both commercial, open space, recreational and residential uses. There is a mix of commercial, office and retail uses in the immediate vicinity of the site. There are very few residences located within close proximity to the subject property. Several conditions of approval were included in Planning Commission Resolution No. 10-79. These conditions are related to neighbor concerns regarding potential issues with noise emanating from the property as well as security concerns. The conditions include: • The prohibition of live entertainment on the exterior patio; • A limit on noise from the patio in compliance with the M.M.C. Noise Ordinance; • The requirement that the property owner notify the City Code Enforcement Officer and the LACSD no less than three days prior to a large entertainment event (defined as any event with 100 or more persons in attendance); and • The provision of security personnel onsite seven days a week from 9:00 p.m. to closing to ensure that patrons leaving the establishment will not adversely affect the welfare of neighborhood residents. The Security Plan which was submitted to the Planning Commission on September 7, 2010 details a listing of goals which include: • Creation of a safe and secure environment within the Malibu Inn for all patrons; • Provision of a level of control and safety for all arriving and departing guests; • Mitigation of any noise or inappropriate conduct directed at the immediate neighbors and leaseholds by patrons upon entry or departure; and • Diffusion of all situations as they occur. The Security Plan demonstrates an understanding of neighbor concerns and strives to address these concerns through the following actions: • Full disclosure and cooperation with law enforcement personnel and other City officials; • Requirement that security personnel wear easily identifiable uniforms and identification badges at all times;

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• Provision of one security guard per 50 patrons, with security staff being present at all times the venue is hosting dancing or live entertainment; • Includes a detailed listing of responsibilities that each security guard will have – including stationary, roving and patio guards; • Security guards will take part in the following training programs: 1) Licensee Education on Alcohol and Drugs (L.E.A.D) which is put on by the Department of Alcoholic Beverage Control; 2) proper cueing to lessen the impact of foot traffic and traffic flow for motor vehicles; 3) emergency preparedness including all safety devices present onsite and emergency escape routes; and 4) Standard First Aid provided through the Red Cross. The conditions set forth in Planning Commission Resolution No. 10-79, as well as those provisions included in the Security Plan, are specifically intended to allow the proposed use to be compatible with the surrounding neighborhood. Additionally, the appellants state that permitting the Malibu Inn to operate under the subject conditional use permit would create a nightclub environment. As stated previously, under the broad definition for nightclub which may be found in the M.M.C., many of the restaurants in the City would be defined as being a nightclub. However, due to the condition which restricts the live entertainment uses of the property to a maximum of 6.5 percent of the time for large entertainment events (those with more than 100 patrons) and 26 percent of the time for small events, the live entertainment aspect of the proposed use of the Malibu Inn has been limited. Furthermore, the appellants assert that the use should close earlier. However, the conditions that have been put into place are intended to limit adverse impacts from the operation of the Malibu Inn. There is no evidence to support the request for the use to close down any earlier than other similar uses in the City. For example, Taverna Tony, Sunset Restaurant, Bui Sushi (11:00 p.m.), Charlie's (11:30 p.m.), Beaurivage (2:00 a.m.), Spruzzo's (12:00 a.m.) and Moonshadows (1:00 a.m.) (as well as the former Barrel Wine Bar – 2:00 a.m.) are all open past 10:00 p.m. Also, the City has recently approved hours of operation via conditional use permits for the following restaurants: Café Habana and the second unoccupied restaurant at the Lumber Yard (1:00 a.m.), Pierview and Windsail restaurants (2:00 a.m.) and the two approved restaurants at Trancas Country Mart (11:00 p.m.).

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	Finally, the Planning Commission, at its September 7, 2010 meeting, added an additional condition of approval which sets a limit on live entertainment events not to exceed two large events and eight small events per month. With the incorporation of all the aforementioned conditions of approval, this proposed use is compatible with the land uses in the surrounding neighborhood.
7	*There is not adequate parking and the project would reduce visitor parking and public access and obstruct public traffic circulation.*
	A detailed parking analysis was completed for the proposed conditional use permit. Pursuant to Malibu Municipal Code (M.M.C.) Section 17.48.030(G), the parking requirements for "restaurants, nightclubs, bars and similar establishments for the sale and consumption of food and beverages on the premises" are one space for each 50 square feet of service area. The proposed use, which includes dinner service, distilled liquor service and live entertainment with dancing does not change the existing service area square footage that currently exists on the property. In addition, the parking requirement for "general retail stores" is one space for each 225 square feet of gross floor area. The Malibu Inn has 2,474 square feet of interior and exterior service area and will need to provide 50 parking spaces (one parking space for each 50 square feet of service area). Additionally, the 565 square foot retail space requires an additional three parking spaces. The total required parking for the Malibu Inn is 53 spaces. Currently, the existing parking lot configuration is composed of 20 standard size parking spaces plus two ADA accessible parking spaces, for a total of 22 spaces. No change to the onsite parking lot is proposed under the subject application and there is no physical way that the parking lot could be reconfigured to accommodate the current code required parking. Therefore, consistent with past operational practices at the Malibu Inn, the applicant will provide the 31 remaining spaces on the adjacent property via a joint use agreement as forth in M.M.C. Section 17.48.040. The adjacent property, immediately east, 22959 Pacific Coast Highway is owned by the same property owner as the Malibu Inn. This property has historically provided parking for the Malibu Inn as the properties have direct access to one another. The property at 22959 Pacific Coast Highway consists of a parking lot but is otherwise undeveloped. There is a covenant

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	recorded between 22969 and 22959 Pacific Coast Highway which dedicates a portion of 22959 Pacific Coast Highway to serve as a wastewater treatment dispersal area for the Malibu Inn. The parking lot currently provides approximately 50 parking spaces (19 spaces in excess of the required parking). Allowing the required parking to be located on the adjacent parcel conforms to the parking development standard which mandates that required parking be located within 300 feet of the use it serves. Although not required, the property owner also proposes a valet parking plan which will park any overflow cars for large entertainment events at a second property that he owns located at 22761 Pacific Coast Highway, which is located approximately 1,700 feet east of the subject property. The garage at 22761 Pacific Coast Highway can accommodate a total of 96 vehicles and although not required, will supplement the 53 total parking spaces required for the use. The Malibu Inn employees will be parking at this parking lot, rather than onsite. The appellants also discuss the issue regarding the construction of an outdoor patio which has displaced some parking spaces. Whether or not the patio has displaced parking spaces is not at issue here. The conditional use permit request applies to the property in its current configuration, not one which may have existed in the past. The baseline condition of the property is that it contains 22 parking spaces. The rest of the parking spaces determined to be required for the proposed use are located on the adjacent property and will be dedicated through a joint use parking agreement. The required parking is provided for the use. The appellants also have requested that a traffic study be conducted. However, no expansion of use from what previously existed is proposed under the subject conditional use permit and no evidence has been submitted which overturns the conclusions made by the Planning Commission in Resolution No. 10-79.
8	*The project is not compatible with the Malibu General Plan. In particular, the following provisions are violated by the proposed use:* *B. Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.* *C. Maximize public access to and along the coast and maximize public*

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	recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners. *E. To protect and enhance the quality of the natural environment.* *F. To promote the public health, safety and general welfare.* *G. To ensure that any development in the coastal zone preserves and enhances coastal resources; and protects coastal views and access; and guides growth, development and environmental management in a manner consistent with the provisions of the Land Use Plan of the Local Coastal Program.* *H. To lessen congestion on the streets and provide for adequate off-street parking.*
	The use at the subject property precluded the General Plan, Municipal Code and Local Coastal Program. These land use documents have recognized the use on the subject site as one being conditionally permitted in the CV-1 zoning district. B. With regard to protecting and maintaining the coastal zone environment, the Malibu Inn has existed onsite for more than 50 years. No changes to the project site or structure are proposed under the subject conditional use permit application. As such, the use will not impact the coastal zone environment. C. With regard to maximizing public access to and along the coast, the Malibu Inn is not located along the coast and does not provide access to or public recreational opportunities in the coastal zone. The appellants contend that the use will displace parking typically used for coastal access, but this is not supported by evidence. The required number of parking spaces for the use is provided on the subject property and on the adjacent site both of which are privately owned and are not available of public parking. Therefore, the proposed use is compatible with this provision. E. With regard to protecting and enhancing the natural environment, again, no changes to the project site or structure are proposed under the subject conditional use permit application. As such, the use will not impact the natural environment. F. With regard to promoting public health, safety and welfare, Response Nos. 6 and 11 discuss in detail the ways in which the conditions of approval associated with the operation of the Malibu Inn will serve to promote public

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	health, safety and welfare of those patronizing the site as well as those adjacent property owners. G. With regard to a development preserving and enhancing coastal resources, there is no development proposed. The underlying zoning on the site conditionally allows for the proposed use, so the original intent of the General Plan was that a use like the Malibu Inn could be placed on the subject property. Therefore, the project is consistent with this provision. H. With regard to lessening congestion on the streets and providing for adequate off-street parking, as discussed previously in this report, the proposed use includes a joint use parking agreement to utilize the adjacent property for parking spaces as well as providing another site (22761 Pacific Coast Highway) for employee and large event overflow parking. The M.M.C. required parking is entirely provided on the subject property and the adjacent property and the property owner has exceeded code requirements by providing additional spaces at 22761 Pacific Coast Highway. Without the implementation of this project, there would be no legal mechanism (joint use parking agreement) to require parking on the adjacent property. Without the agreement there would be no mechanism to prevent the practice of parking along Pacific Coast Highway, which currently occurs. The policies of the General Plan were considered during the process to approve the conditional use permit and it was determined that the proposed use complies with the General Plan.
9	*The project does not comply with General Plan Land Use (LU) Policies 3.1.1, 3.2.1 and 4.4.1.* LU Policy 3.1.1 states "The City shall ensure visitor serving and recreational uses are compatible with the natural resources and aesthetic value of the area." LU Policy 3.2.1 states "The City shall permit the development of commercial recreational and visitor serving facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking and, when feasible, area located where existing low cost recreational uses will be enhanced." LU Policy 4.4.1 states "The City shall encourage establishment and continued operation of small neighborhood and community serving

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businesses."
The General Plan, Municipal Code and Local Coastal Program all conditionally allow the proposed use. These land use documents were codified after the use was originally established at the subject property. Regarding LU Policy 3.1.1, it is unclear how permitting a use in an existing commercial building is not compatible with natural resources (i.e. canyon and coastal topography; terrestrial, freshwater and marine habitats; rare, threatened and endangered species of plants and wildlife; and cultural resources sites) and the aesthetic value of the surrounding neighborhood. The building is one story, with the exception of a small second level dressing room, and no exterior renovations to the structure are proposed. The aesthetic value of the area will remain unchanged whether or not the use exists on this property. As such, the proposed use complies with LU Policy 3.1.1. Regarding LU Policy 3.2.1, no commercial visitor serving facilities are being developed at this time. M.M.C. Chapter 17.02 states that development means: "On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). The uses proposed at the Malibu Inn will occur in a commercial structure that has existed on the property for more than 50 years. Allowing a use to continue on the property does not constitute development under this

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	definition. The commercial building was already permitted on this property and therefore complies with LU Policy 3.2.1. Finally, regarding LU Policy 4.4.1, the proposed restaurant, bar and live entertainment uses of the Malibu Inn serve to encourage the continued operation of a community serving business. The restaurant has been in operation since the 1950s at the present location and began operating with live entertainment under the name Crazy Horse Saloon in the late 1970s. The proposed conditional use permit complies with the requirements set forth in the General Plan.
10	*The proposed project does not comply with all applicable requirements of state and local laws. Allowing such a business to exist so close to residential structures with large numbers of people and loud music until 2:00 am seven days a week would constitute a public or private nuisance.*
	According to General Plan Land Use Policy Map Section 2, the proposed land uses in the vicinity of the Malibu Inn property are public open space, commercial visitor serving 1 and 2, community commercial, historic preservation district (the Malibu Pier) and a very small section of single-family residential immediately adjacent to the Pier. Within that section of single-family residential zoning are eight beachfront properties (which currently are developed with seven residences). All other properties along Pacific Coast Highway in the immediate vicinity are zoned non-residential. As such, the surrounding area is predominantly non-residential. Nonetheless, in accordance with the M.M.C. Noise Ordinance (Chapter 8.24), the Planning Commission placed several conditions of approval on the conditional use permit to ensure that it does not constitute a nuisance. The Noise Ordinance requires that sustained noise from the premises of any commercial establishment, including any outdoor area part of or under the control of the establishment, between the hours of ten p.m. and seven a.m. shall not be plainly audible at a distance of five feet of any residential dwelling unit. The two types of nuisance are private nuisance and public nuisance. A private nuisance is a civil wrong; it is the unreasonable, unwarranted, or unlawful use of one's property in a manner that substantially interferes with the enjoyment or use of another individual's property, without an actual trespass or physical invasion to the land. A public nuisance is a criminal

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	wrong; it is an act or omission that obstructs, damages, or inconveniences the rights of the community. There are numerous controls in place, whether specifically set forth in the Noise Ordinance or through the conditions of approval, to prevent the use from creating a nuisance. These conditions of approval serve to implement General Plan Noise Policy 1.1.2 "The City shall protect noise sensitive land uses from negative impacts of proximity of noise generating uses." In addition, there are numerous security measures that have been included in the conditions of approval. As such, the proposed use complies with all applicable requirements of state and local law.
11	*The proposed use would be detrimental to the public interest, health, safety, convenience or welfare.*
	The appellants assert that the approval of the use to remain open until 2:00 am "will create a situation where people will drink more alcohol. Live entertainment events in combination with late night drinking will increase the probability of intoxication, drunk driving, accidents, vandalism, loitering, graffiti and noise." The Planning Commission considered these concerns during the public comment period during the September 7, 2010 public hearing and adopted a set of conditions of approval to address these concerns. Specific conditions require: 1) training for bartenders and servers through the TIPS program (Training for Intervention Procedures) which is designed to prevent intoxication, underage drinking and drunk driving; 2) training for security personnel through the Licensee Education on Alcohol and Drugs (L.E.A.D) program which is put on by the Department of Alcoholic Beverage Control; 3) extensive conditions limiting noise during hours of operation; and 4) the provision of a detailed security plan to monitor patrons both within and outside of the Malibu Inn. All of these requirements are intended to maintain public health, safety and welfare. There is no evidence to support the contention that people who frequent the Malibu Inn will cause accidents, or vandalize/graffiti adjacent properties. The appellants also assert that there is a lack of ability to enforce compliance with the conditions of approval. The evidence does not support this contention. There are numerous conditions of approval which set forth mechanisms to enforce compliance which include a detailed Security Plan which must be provided to the City and LACSD; the requirement for a six

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	month review of the conditional use permit at which time the Planning Commission will be appraised of the property owner's compliance with the requirements of the permit; as well as the involvement of both the City Code Enforcement Officers and the Los Angeles County Sheriff's Department in the operation of the Malibu Inn and coordination for all large entertainment planned (which includes at least three days notice of any large entertainment events planned). Finally, the LACSD is the permitting authority for the Entertainment License which must be obtained by the Malibu Inn to permit dancing and live entertainment. The LACSD will be responsible for enforcing the conditions set forth in that permit.
12	*CUP No. 09-009 is not exempt from the requirement to obtain a coastal development permit (CDP).*
	M.M.C. Section 17.66.010 details the purpose of a conditional use permit as: "Those uses which are regarded as compatible with uses which are automatically permitted in a zoned district but which have a special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the particular use being proposed for a particular location. The purpose of the conditional use permit is to ensure adequate public review and input for all development projects which potentially impact the community; ensure that the proposed development does not impair the integrity of that district; and to provide the opportunity to impose reasonable and necessary conditions to assure compatibility." Pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.4.3 (Other Improvements), a coastal development permit (CDP) exemption may be granted for improvements to an existing structure other than a single-family residence or a public works facility. The proposed change in use does not involve any of the classes of development which would require a CDP because it would not involve a risk of adverse environmental effect, adversely affect public access or involve a change in use contrary to the policies of the LIP. Therefore, the subject conditional use permit is exempt from the requirement to obtain a CDP.
13	*The joint use parking agreement does not comply with M.M.C. Section 17.48.050(A)(1).*

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M.M.C. Section 17.48.050(A)(1) states "Required parking facilities shall be on the same lot as the structure they are intended to serve, except that with proper legal agreement, the planning commission may approve parking on a separate lot. In no event shall required parking be farther than 300 feet from the use it is required to serve. This distance shall be measured along a legal and safe pedestrian path from the parking space to the nearest entrance of the building or use for which the parking is required." The joint use parking agreement does comply with this section of the M.M.C. as the remaining 31 parking spaces are provided on the property immediately adjacent to the Malibu Inn. The distance of the path of travel between the parking spaces and the front door of the Malibu Inn is approximately 100 feet. Furthermore, the appellants cite that the condition regarding the joint use parking agreement (Condition No. 14) was amended at the recommendation of the project planner during the Planning Commission hearing. This is an accurate statement. The condition, as follows, was amended to add the language shown as underlined: "The property at 22959 PCH shall serve as a donor site for no less than 31 parking spaces for the subject property at 22969 PCH. A legal agreement (Joint Use and Common Parking Facilities Agreement) between the City and the property shall be required. The agreement shall contain requirements for an annual review by the City Planning Manager with authority to modify the agreement as necessary to maintain onsite parking arrangements. A deed restriction shall be recorded on the title of each property reflecting the permanent reciprocal parking agreement. <u>Should the 31 offsite parking spaces at any point be provided elsewhere, the legal agreement shall be amended to reflect the new offsite parking location. The 31 parking spaces at 22959 Pacific Coast Highway may be reallocated to any future development on this site.</u>" The additional language was added at the request of the applicant. It serves to clarify that although the requirement for 31 additional parking spaces is binding, the specific location of those spaces is not. In the future, should the applicant find an alternative location for the 31 required spaces, he may return to the City to amend the conditions in the CUP as well as the joint use

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	parking agreement. In reviewing the future proposal, staff will have to determine that any new location proposed for the required parking spaces complies with the requirements set forth in M.M.C. Section 17.48.040 – Joint Use and Common Parking Facilities. It is common practice for conditions to be amended during Planning Commission hearings and the adopted amendment does not lessen the requirements set forth in the condition.
14	*The Security Plan was submitted at the hearing, thereby depriving the public an opportunity to review and comment on it before the hearing.*
	The requirement for the applicant to provide a detailed Security Plan was included as a condition of approval (Condition No. 30) in the resolution that was before the Planning Commission on September 7, 2010. At the hearing, the applicant provided copies of the plan to the Planning Commission to review. As a result, the Commission amended the condition requiring a Security Plan to state that the final submitted plan shall be no less stringent than the one it reviewed at the September 7, 2010 meeting. It is typical for applicants, as well as members of the general public, to submit correspondence just before or during Planning Commission meetings. The Security Plan was not an application submittal requirement. Staff was not aware that the applicant would be providing the Plan to the Commissioners. Staff's recommendation for approval of the conditional use permit was based upon substantial evidence already in the record and the Plan served to further support that recommendation. The Plan will still be reviewed and approved by the City's Environmental and Community Development Department in conjunction with the LACSD as outlined in the conditions of approval.

PUBLIC CORRESPONDENCE: Since the submittal of the appeal, one item of correspondence has been received from the owner of the Malibu Inn. In addition, correspondence submitted after the date of the Planning Commission agenda report publish date is attached hereto as Attachment 5.

SUMMARY: The appellants have not provided substantial evidence to support the contention that: 1) the findings are not supported by substantial evidence in the record and / or that the decision was not supported by the findings; or 2) the decision was contrary to law.

Based on the record as a whole, including but not limited to all written and oral testimony offered in connection with this matter, staff recommends that the City Council adopt Resolution No. 10-59 denying Appeal No. 10-002 and approving Conditional Use Permit No. 09-009 and Joint Use Parking Agreement No. 10-001 to permit the Malibu Inn restaurant with live entertainment which will serve liquor, operate between the hours of 7:00 a.m. and 2:00 a.m., and have a maximum restaurant seating capacity of 94 patrons, a maximum capacity of 340 patrons for entertainment events and 565 square feet of retail space at the 8,960 square foot commercial building; including a JUPA for required parking spaces to be located on the adjacent property at 22969 PCH.

PUBLIC NOTICE: On October 28, 2010, a notice of City Council Public Hearing on Appeal No. 10-002 was published in a newspaper of general circulation within the City and was mailed to property owners and occupants within a radius of 500 feet of the subject property and to all interested parties, regional, state and federal agencies, local libraries and media, and the CCC.

ATTACHMENTS:

1. City Council Resolution No. 10-59
2. Appeal No. 10-002
3. Executed Planning Commission Resolution No. 10-79
4. Security Plan dated January 2010
5. Correspondence
6. Public Hearing Notice

The following documents were provided to the City Council. Copies are available for review at City Hall or on the City's website.

7. Planning Commission Agenda Report dated September 7, 2010
   a. Planning Commission Resolution No. 10-079
   b. Vicinity Map and Aerial Photograph
   c. Department Review Sheets
   d. Site Photographs
   e. As-Built and Event Set-Up Floor Plans
   f. Service Area Plan
   g. Ensitu Report dated April 28, 2010
   h. California Department of Alcoholic Beverage Control License Application
   i. Proposed Parking / Circulation / Valet Plans
   j. Correspondence
   k. Public Hearing / Mailing Notice

RESOLUTION NO. 10-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU DENYING APPEAL NO. 10-002, APPROVING CONDITIONAL USE PERMIT NO. 09-009 AND JOINT USE PARKING AGREEMENT NO. 10-001 TO PERMIT THE MALIBU INN RESTAURANT WITH LIVE ENTERTAINMENT WHICH WILL SERVE LIQUOR, OPERATE BETWEEN THE HOURS OF 7:00 A.M. AND 2:00 A.M., AND HAVE A MAXIMUM RESTAURANT SEATING CAPACITY OF 94 PATRONS, A MAXIMUM CAPACITY OF 340 PATRONS FOR ENTERTAINMENT EVENTS AND 565 SQUARE FEET OF RETAIL SPACE AT THE 8,960 SQUARE FOOT COMMERCIAL BUILDING; INCLUDING A JOINT USE PARKING AGREEMENT FOR REQUIRED PARKING SPACES TO BE LOCATED ON THE ADJACENT PROPERTY IN THE COMMERCIAL VISITOR SERVING–1 ZONING DISTRICT LOCATED AT 22969 PACIFIC COAST HIGHWAY (HAKIM)

THE CITY COUNCIL OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. The building which houses the Malibu Inn was constructed in 1950 and the adjacent lot has historically provided parking. The use has operated under multiple owners for more than 50 years at the current location.

B. On June 3, 2008, Over the Counter Permit (OC) No. 08-102 was issued to re-open the 565 square foot retail space for the tenant Sabotage.

C. Due to a change in ownership of the subject property, the business closed in December 2008 and the restaurant and entertainment venue use ceased.

D. On May 26, 2009, breakfast and lunch service at the restaurant resumed. Currently, the Malibu Inn typically closes around mid-afternoon / early evening, after patrons have finished lunch.

E. On December 3, 2009, Conditional Use Permit (CUP) No. 09-009 and Joint Use Parking Agreement (JUPA) No. 10-001 was submitted to the Planning Division by Elizabeth Peterson. The application was routed to the City Environmental Health Administrator, the Los Angeles County Fire Department (LACFD) and the Los Angeles County Sheriff's Department (LACSD) for review.

F. On January 12, 2010, a Courtesy Notice of Proposed Project was mailed to all property owners and occupants within a 500 foot radius of the subject property.

G. On May 26, 2010, the application was deemed complete for processing.

H. On July 8, 2010, 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.

I. On August 3, 2010, at the request of the applicant, the public hearing was continued to the September 7, 2010 Regular Planning Commission meeting.

J. On September 7, 2010, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, public testimony and all related information. At the conclusion of the hearing, the Planning Commission adopted Resolution No. 10-79 approving CUP No. 09-009 and JUPA No. 10-001.

K. On September 16, 2010, Appeal No. 10-002 was filed by Klaus Obermeyer (property owner at 23006 Pacific Coast Highway) and Robert J. Allan (property owner at 23018 Pacific Coast Highway).

L. On September 27, 2010, in accordance with Malibu Municipal Code (M.M.C.) Section 17.04.220(C), the appellants submitted additional information related to the appeal before the 10 day deadline.

M. On October 12, 2010, the appeal was deemed complete by staff.

N. On October 28, 2010, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties, regional, state and federal agencies, local libraries and media, and the California Coastal Commission (CCC).

O. On November 22, 2010, the City Council held a duly noticed public hearing on the subject appeal, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

Section 2. Appeal of Action.

The appellants appealed Planning Commission Resolution No. 10-79, contending that the proposed conditional use permit is not consistent with various sections of the M.M.C. as well as the General Plan. Additional information submitted with the appeal includes numerous statements in support of the appeal. Planning Division staff prepared an extensive agenda report responding to each of the appellant's contentions. The City Council concurs with the findings and conclusions of staff as set forth in the report and adopts staff's analysis, findings, and conclusions as though fully set forth herein.

Section 3. Conditional Use Permit Approval and Findings.

Pursuant to M.M.C. Section 17.66.080, the City Council may approve, deny and/or modify an

application for a CUP in whole or in part, with or without conditions, provided that it makes all of the following findings of fact. The City Council hereby makes the following findings of fact to approve CUP No. 09-009.

CUP 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.

A restaurant with an interior capacity in excess of 125 people, a nightclub and a bar are all conditionally permitted uses in the Commercial Visitor Serving–1 (CV-1) zoning district. The existing commercial structure includes a total interior square footage of 8,960 square feet, with a service area that totals 2,474 square feet (comprised of 1,184 square foot interior service area which includes the bar, a 751 square foot service area on the outdoor patio which includes a bar and a 539 square foot service area in the banquet room). The project has been conditioned to comply with all applicable provisions of the M.M.C.

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

The proposed use is a commercial use on commercially zoned property and therefore, would not impair the integrity and character of the CV-1 zoning district. The Malibu Inn has occupied the subject property for several decades and is located within a long strip of commercial properties located on the landward side of Pacific Coast Highway, east of the Pier. Furthermore, the proposed project will conditionally permit the previously operating restaurant and therefore is not anticipated to result in a change from the existing conditions within the zoning district. Finally, the use previously had a California Department of Alcohol Beverage Control (ABC) Liquor Licenses and operated as a restaurant with a bar and live entertainment.

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

The project site contains existing commercial development. The proposed tenant improvements consist of a minor interior remodel only and no exterior changes are included in the project scope. The business has operated on the subject property since the 1950s. A total of 53 parking spaces are required for the proposed use. There are 22 parking spaces that exist onsite and the property owner has agreed to a joint use parking agreement to provide for the remaining 31 spaces to be located on the adjacent property that he also owns. The parking spaces will be provided for the use of the patrons and employees of the Malibu Inn. Therefore, the site is physically suitable for the use being proposed.

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

The Malibu Inn has operated at the subject property since the 1950s. It closed briefly at the end of 2008 due to the sale of the property. The property is surrounded by both commercial, open space and

residential uses. There is a mix of commercial, office and retail uses in the immediate vicinity of the site. There are very few residences located within close proximity to the subject property.

The property owner has agreed to a condition of approval which will prohibit live entertainment on the exterior patio. In addition, further conditions of approval which limit noise from the patio have been included for this project in compliance with the M.M.C. Noise Ordinance. Furthermore, conditions of approval have been included to require that the property owner notify the City Code Enforcement Officer and the Los Angeles County Sheriff's Department no less than three days prior to a large entertainment event (defined as any event with 100 or more persons in attendance) and to provide security personnel onsite seven days a week from 9:00 p.m. to closing to ensure that noisy and rowdy patrons leaving the establishment will not adversely affect the welfare of neighborhood residents.

A Security Plan which was submitted to the Planning Commission on September 7, 2010 details a listing of goals which include:

- Creation of a safe and secure environment within the Malibu Inn for all patrons;
- Provision of a level of control and safety for all arriving and departing guests;
- Mitigation of any noise or inappropriate conduct directed at the immediate neighbors and leaseholds by patrons upon entry or departure; and
- Diffusion of all situations as they occur.

The Security Plan demonstrates an understanding of neighbor concerns and strives to address these concerns through the following actions:

- Full disclosure and cooperation with law enforcement personnel and other City officials;
- Requirement that security personnel wear easily identifiable uniforms and identification badges at all times;
- Provision of one security guard per 50 patrons, with security staff being present at all times the venue is hosting dancing or live entertainment;
- Includes a detailed listing of responsibilities that each security guard will have – including stationary, roving and patio guards;
- Security guards will take part in the following training programs: 1) Licensee Education on Alcohol and Drugs (L.E.A.D) which is put on by the Department of Alcoholic Beverage Control; 2) proper cueing to lessen the impact of foot traffic and traffic flow for motor vehicles; 3) emergency preparedness including all safety devices present onsite and emergency escape routes; and 4) Standard First Aid provided through the Red Cross.

Finally, the Planning Commission, at its September 7, 2010 meeting, added an additional condition of approval which set a limit on live entertainment events not to exceed two large events and eight small events per month. The provisions included in the Security Plan are specifically intended to allow the proposed use to be compatible with adjacent neighbors. With the incorporation of all the aforementioned conditions of approval, this proposed use is compatible with the land uses in the surrounding neighborhood.

CUP 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 use is compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located in that the surrounding land uses are comprised of a wide range of commercial uses including restaurants, retail uses, medical and professional offices, as well as public open space to the south. The only vacant property in the immediate vicinity (22959 Pacific Coast Highway) is owned by the subject property owner and is zoned for commercial development.

CUP 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.

Existing utilities will serve the proposed project. The LACFD reviewed the CUP and issued a conditional approval on February 18, 2010. Some of the conditions require that applicant test existing fire hydrants and submit plans to the Fire Prevention Engineering Department.

In order to confirm conformance with percolation test requirements as outlined in the Malibu Plumbing Code (MPC), Ensitu Engineering Inc. oversaw flow testing at the subject property. The testing required isolation of the front, east and west leachfields prior to beginning the test. On the first day of the test, a license soils engineer introduced 6,497 gallons of water to the three dispersal fields in order to pre-soak the leachfields prior to performing water absorption measurements on the three following consecutive days. On each of the following three consecutive days, the soils engineer introduced an additional 6,497 gallons of water to the three fields. A final additional test was performed on the fifth day. Using the allocations of restaurant / retail and entertainment flows outlined in the MPC, the water was metered according to the proportion of total absorption area contributed by each leachfield.

After a five day testing period, Ensitu determined the following: 1) the existing grease interceptor capacity is sized to accommodate a full day's flow, rather than the code required minimum; 2) the site is currently served by two 3,000 gallon septic tanks (providing storage for 6,000 gallons total), which meet the required septic tank capacity of 5,998 gallons; and 3) the absorption area of the existing leachfields is 3,360 square feet and the existing seepage pits will be abandoned. The existing leachfield size exceeds the minimum required effective absorption area which is 3,187 square feet. As a result of the testing, Ensitu concluded that the OWTS is acceptable for the use proposed. The City Environmental Health Administrator reviewed the CUP and Ensitu's report and determined that the existing onsite wastewater treatment system (OWTS) is adequate for the proposed use.

As conditioned, the proposed conditional use permit would limit the hours of operation from 7:00 a.m. to 2:00 a.m. daily. No changes to the exterior of the existing structure are proposed, so no

impacts to solar access or public or private views will occur. The existing commercial structure at 22969 Pacific Coast Highway will not change under this application, and therefore, will not adversely impact existing public and private views.

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

No change to the site or circulation plan for the existing commercial property is proposed by this CUP. Upon completion of the construction of the commercial building on the adjacent parcel to the east, parking will be accommodated in accordance with the joint use parking agreement. The proposed use will have adequate parking for public access and will not obstruct public traffic circulation. It is anticipated that the reopening of the previously existing use would not substantially impact public access or circulation.

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

The use is a conditionally permitted commercial use in the CV-1 zoning district. The General Plan defines the CV zone as providing for visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Visitor serving uses 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. The proposed project meets the goals of the following land use policies of the General Plan:

Land Use Policy 3.1.1:	The City shall ensure visitor serving and recreational uses are compatible with the natural resources and aesthetic values of the area.
Land Use Policy 3.2.1:	The City shall permit the development of commercial recreational and visitor servicing facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking and, when feasible, are located where existing low cost recreational uses will be enhanced.
Land Use Policy 4.4.1:	The City shall encourage establishment and continued operation of small neighborhood and community serving businesses.

As such, the proposed project, as conditioned, is consistent with goals, objectives and policies of the General Plan.

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

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 Los Angeles County Sheriff's Department.

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

The proposed project will reopen a previously existing restaurant and bar that provides live entertainment, which is a conditionally permitted use in a commercial zone. As stated in Finding 6, the LACFD has conditionally approved the CUP and set maximum occupancy for both dining and live entertainment events. In addition, the Los Angeles County Sheriff's Department issued a conditional approval of the CUP on May 13, 2010, specifically requiring that the property owner notify the department of all planned entertainment events. A condition is included in Section 7 of this resolution which requires that the property owner notify the City Code Enforcement Officer and the Los Angeles County Sheriff's Department no less than three days prior to a large entertainment event (defined as any event with 100 or more persons in attendance).

Furthermore, specific conditions have been included in Section 7 of this resolution which require: 1) training for bartenders and servers through the TIPS program (Training for Intervention Procedures) which is designed to prevent intoxication, underage drinking and drunk driving; 2) training for security personnel through the Licensee Education on Alcohol and Drugs (L.E.A.D) program which is put on by the Department of Alcoholic Beverage Control; 3) extensive conditions limiting noise during hours of operation; and 4) the provision of a detailed security plan to monitor patrons both within and outside of the Malibu Inn. All of these requirements are intended to maintain public health, safety and welfare.

Finally, the report generated in conjunction with the ABC application indicates that the current property owner has not been subject to any disciplinary infractions in the past with regard to a liquor license. As conditioned, the proposed use will not be detrimental to the public interest, health, safety, convenience or welfare.

CUP 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.

The project will not be at risk from earth movement and flood hazards since the application only involves reopening a previously existing use within the existing commercial structure. The building footprint and envelope will not change; therefore, there is no new impact related to earth movement, flooding or liquefaction.

Section 4. Joint Use Parking Agreement Approval.

As stated in M.M.C. Section 17.48.050(A)(1), the decision making body may approve parking on a separate lot, via a Joint Use Parking Agreement, under the following conditions (which are set forth in M.M.C. Section 17.48.040). The agreement will be between 22959 Pacific Coast Highway and 22969 Pacific Coast Highway, which are under common ownership. A deed restriction shall be recorded on the title of each property reflecting the permanent reciprocal parking agreement. The City Council finds that the evidence in the record supports the three following conditions.

JUPA Condition A. Up to one-half of the parking facilities required for a primarily daytime use may be used to meet the requirements of a primarily nighttime use and up to one-half of the parking facilities required for a primarily nighttime use may be used to meet the requirements of a primarily daytime use; provided, that such reciprocal parking arrangement shall comply with subsection C of this section.

The proposed hours of operation for the subject use are from 7:00 a.m. to 2:00 a.m. The adjacent property at 22959 Pacific Coast Highway is undeveloped with the exception of the parking lot historically used to provide parking for the Malibu Inn. However, an application (CDP No. 09-67) for a commercial building for that site has been submitted to the Planning Division. The new commercial building design will incorporate the required parking for any proposed office / retail use as well as maintain the required parking for the Malibu Inn pursuant to the joint use parking agreement.

Although the commercial building is not expected to be approved in the near future, staff has anticipated parking impacts during the course of construction and provided conditions of approval to maintain required parking. Parking displaced during construction would be temporarily relocated to the commercial / office building located at 22761 Pacific Coast Highway since it is also owned by the same owner as the Malibu Inn.

Historically, the heaviest parking demand at the Malibu Inn is primarily evenings and weekends. Commercial development on the adjacent parcel is anticipated to be either office or retail with primarily daytime operating hours. In addition, the 31 spaces required for the Malibu Inn will be supplementary to the parking spaces required for the new commercial development, so the uses will not be in conflict. Therefore, the reciprocal parking arrangement will comply with JUPA Condition C.

JUPA Condition B. The planning commission may reduce parking requirements for common parking facilities by up to 25 percent in shopping centers or other commercial areas where a parking lot with common access and joint use is provided.

The property owner has not requested to reduce the required parking spaces. The reciprocal parking agreement will provide additional parking spaces in excess of what is required for the proposed use.

JUPA Condition C. The parties concerned shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use is proposed and shall evidence agreement for such use by a proper legal instrument, to which the city is a party.

The subject property owner owns the subject property and the other commercial property involved in the joint use parking agreement. The subject property will operate from 7:00 a.m. to 2:00 a.m. daily, with live entertainment events primarily being held in the evenings. The other property is proposed to be office / retail uses with principal operating hours during the daytime. There will be no substantial conflict in the principal operating hours for the two properties. Prior to the approval of any project on the adjacent lot, all code required parking will need to be provided. A legal agreement between the City and the property owner is required as a condition of approval. The agreement will contain requirements for an annual review by the Planning Manager with authority to modify the agreement as necessary to maintain onsite parking arrangements.

Section 5. City Council Action.

Based on the record as a whole, including but not limited to all written and oral testimony offered in connection with this matter, the City Council hereby denies Appeal No. 10-002 and approves Conditional Use Permit No. 09-009 and Joint Use Parking Agreement No. 10-001 to permit the operation of the Malibu Inn at 22969 Pacific Coast Highway, subject to the conditions set forth herein.

Section 6. Conditions of Approval.

Standard Conditions

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

2. This approval is to allow for the following:
    a. Operation of a restaurant with live entertainment;
    b. Maximum dining seating capacity of 94 patrons and maximum event capacity of 340 patrons;
    c. Service of distilled liquor;
    d. Interior improvements including:
        i. Replacing existing flooring,
        ii. Refinishing the bars,

iii. Upgrading televisions,
iv. Changing furniture and lighting fixtures, and
v. Replacing windows with double pane soundproof glass; and

e. Joint use parking agreement between properties addressed as 22959 Pacific Coast Highway and 22969 Pacific Coast Highway.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Division. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

4. 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 Division within 10 days of this decision and prior to issuance of any development permits.

5. This conditional use permit shall be reviewed on a semi-annual basis for the first year, and then on an annual basis thereafter, starting on November 22, 2010. At this time, the property owner shall provide evidence that the joint use parking agreement is still in effect. At least two weeks prior to the review date, the applicant shall pay the Planning Division staff site inspection fee in effect at the time of request for site inspection. A staff planner will conduct a site visit to verify compliance with the provisions set forth in this resolution. If necessary, the conditional use permit may be brought back to the Planning Commission for additional conditions to mitigate and/or prevent nuisances that were identified. Possible mitigation measures can include:
   a. Modifying the hours of operation;
   b. Restricting alcohol service;
   c. Hiring additional security personnel;
   d. Prohibiting music;
   e. Installing noise mitigating measures / devices; or
   f. Other measures deemed necessary by the Planning Commission.

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

7. All interior tenant improvements shall conform to requirements of the City of Malibu Environmental and Building Safety Division, City Environmental Health Administrator and City Public Works Department, as applicable. Notwithstanding this review, all required permits shall be secured.

8. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Manager, provided such changes achieve substantially the same results and the project is still in compliance with the M.M.C. Revised plans reflecting the minor changes and additional fees shall be required.

Site Specific Conditions

Fire Department

9. All applicable requirements of the Los Angeles County Fire Department Land Development Unit – Fire Prevention Division set forth in the review sheet dated February 18, 2010 shall apply.

Environmental Health

10. Except as specifically required by the conditions of approval, no renovation of the septic tank and drainfield system is required. The City Environmental Health Administrator's approval dated May 13, 2010, does not represent an expansion, modification or change in the type or intensity of use of the existing onsite wastewater treatment system.

11. The piping connections between the grease interceptor, septic tanks and distribution boxes shall be brought into conformance with the Malibu Plumbing Code (MPC). Prior to the authorization to operate the restaurant during dinner and/or nightclub hours, a piping plan shall be submitted for review and approval, and a final construction permit shall be submitted to the Environmental Health Administrator.

12. The subject Environmental Health approval pertains only to the use of the premises not to exceed 94 restaurant seats, 340 nightclub patrons and 565 square feet of retail space.

Sheriff's Department

13. The property owner shall be required to notify the Sheriff's Department (Malibu / Lost Hills Station) and the City of Malibu of any live entertainment event scheduled to take place within the Malibu Inn, especially pertaining to live bands no less than three days prior to the event. If the property owner books a larger event (in excess of 100 attendees), the property owner shall contact the Sheriff's Department to discuss potential requirements for contracting for a law enforcement presence to handle any crowd and traffic control. Additionally, the plan shall include a contact phone number of an individual who will be available during entertainment events to address complaints.

Joint Use Parking Agreement

14. The property at 22959 Pacific Coast Highway shall serve as a donor site for no less than 31 parking spaces for the subject property at 22969 Pacific Coast Highway. A legal agreement (Joint Use and Common Parking Facilities Agreement) between the City and the property shall be required. The agreement shall be submitted to the City prior to the commencement of alcohol service and shall contain requirements for an annual review by the City Planning Manager with authority to modify the agreement as necessary to maintain onsite parking

arrangements. A deed restriction shall be recorded on the title of each property reflecting the permanent reciprocal parking agreement. Should the 31 offsite parking spaces at any point be provided elsewhere, the legal agreement shall be amended to reflect the new offsite parking location. The 31 parking spaces at 22959 Pacific Coast Highway may be reallocated to any future development on this site.

15. An amendment to the conditions set forth in the CUP shall be required if there is a proposed change to the joint use parking agreement.

Operations

16. The approved hours of operation are from 7:00 a.m. to 2:00 a.m., seven days per week. Complete closure and all employees must vacate the premises no more than one hour after closing, daily. No after hours operation shall be permitted.

17. A maximum of 94 seats for dining are approved under this permit. The maximum interior and exterior occupancy for entertainment events is 340 patrons.

18. Live entertainment events shall be limited to a maximum of two large events (defined as events with 100 or more attendees) and eight small events (events with less than 100 attendees) per month.

19. No exterior activity such as trash disposal, recycling pickup, delivery trucks or exterior maintenance is permitted onsite between the hours of 10:00 p.m. and 7:00 a.m. Additionally, bottles and glass containers shall not be emptied into outdoor trash or recycling bins between 10:00 p.m. and 7:00 a.m.

20. This CUP permits the sale of distilled spirits as well as beer and wine with a Type 47 License. The property owner / operator shall obtain all necessary approvals from the California Department of Alcohol Beverage Control. Once obtained, the applicant is required to provide to the Planning Division a copy of the ABC issued On-Premise Consumption License.

21. Prior to the start of employment, employees that serve alcohol shall undergo an alcohol training program such as TIPS (Training for Intervention Procedures), designed to prevent intoxication, underage drinking and drunk driving. Evidence of completion of this training shall be submitted to the Planning Division.

22. This CUP permits live entertainment and dancing. Once obtained, the applicant is required to provide to the Planning Division a copy of the Los Angeles County Sheriff's Department Entertainment License.

23. No live entertainment is permitted on the exterior patio at any time. Low level amplified

music is permitted on the patio during the hours of 7:00 a.m. to 10:00 p.m., daily. Unnecessary and boisterous noise from the patio between the hours of 10:00 p.m. and 2:00 a.m. shall be prohibited.

24. Prior to the commencement of alcohol service, the property owner / operator shall install small signs in the interior of the business on or near the exit doors requesting that patrons not loiter outside and be courteous and quiet when leaving the building and parking areas.

25. All exterior doors shall remain closed when not being used for ingress/egress purposes. The property owner shall install self-closing door mechanisms on all exterior doors.

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

27. The property owner / operator (or designated representative) shall monitor the noise levels adjacent to nearby residences to check compliance with City noise regulations (i.e. the noise should not be plainly audible within five feet of any residential dwelling unit). If the property owner / operator (or designated representative) determines that the noise level exceeds City noise regulations, they shall immediately notify the musicians to reduce noise levels in compliance with City noise regulations.

28. 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 any applicable conditions of approval for the subject use relating to parking, smoking, litter, noise, loitering, etc.

29. Pursuant to M.M.C. Section 9.34.020, smoking is prohibited in all outdoor dining areas located on private or public property, including the public right-of-way. Smoking is also prohibited within 20 feet of an outdoor dining area, except while actively passing by on the way to another destination.

30. Per M.M.C. Section 9.34.030, the property owner shall post and maintain "no smoking" signs in conspicuous locations within the outdoor dining area. All such signs shall: 1) be no greater than one square foot in size; 2) be prominently displayed; 3) clearly state "no smoking" and/or use the international "no smoking" symbol; and 4) reference M.M.C. Section 9.34.020.

31. Prior to commencement of alcohol service, a final security plan shall be submitted to the City Environmental and Community Development Department and the Los Angeles County Sheriff's Department for review and approval. The plan shall address both physical and operational security issues and shall be no less stringent than the plan submitted to the City

on September 7, 2010. Additionally, the plan shall include a contact phone number of an individual who will be available during entertainment events to address complaints. Evidence of the Sheriff's Department approval of the plan shall be provided to the City.

32. The property owner / operator (or designated representative) shall regularly monitor the area outside of the restaurant to ensure peace and quiet. Security personnel shall be provided seven days a week from 9:00 p.m. to closing to ensure that noisy patrons leaving the establishment will not adversely affect the welfare of neighborhood residents.

33. At the close of business each day, the property owner / operator shall clean up any litter or any other items that were likely to have been left by patrons of the subject establishment found on the subject property or along the public right-of-way.

34. No sign shall be illuminated after 11:30 p.m., or close of business, whichever occurs last.

35. Any proposed structural changes to the existing signs shall require review for the requirements set forth in M.M.C. Chapter 17.52 (Signs).

36. Window or other signage visible from the public right-of-way that advertises beer or alcohol shall not be permitted.

37. No restaurant, food packager, retail food vendor, 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.

38. The property owner / tenant shall comply with the requirements set forth in M.M.C. Chapter 9.28 (Ban on Plastic Shopping Bags). 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.

39. A copy of the conditions of approval must be kept on the premises and presented to the Los Angeles County Sheriff's Department upon request.

40. Parking displaced during any future construction on 22959 Pacific Coast Highway shall be temporarily relocated to the commercial / office building located at 22761 Pacific Coast

Highway since it is owned by the same property owner (Kambiz Hakim) as the Malibu Inn. If this situation changes, alternate offsite parking arrangements will need to be coordinated with the Planning Manager prior to building permit issuance for development at 22959 Pacific Coast Highway.

41. Within 60 days of the issuance of the conditional use permit, an after-the-fact building permit shall be obtained for the retaining wall along the hillside at the rear of the property (as identified in Building Permit No. 02-0233), which creates the area for the planter.

Fixed Conditions

42. The conditions under which this conditional use permit was approved may be modified by the City of Malibu without the consent of the property owner or operator if the Planning Commission finds that the use is creating a nuisance.

43. A conditional use permit that is valid and in effect, and was granted pursuant to the provisions of the Malibu Municipal Code 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.

44. Violation of any of the conditions of approval shall be cause for revocation of the conditional use permit and termination of all rights contained therein.

45. This conditional use permit shall become null and void with the demolition of the building.

46. If it has cause to believe that grounds for revocation or modification may exist, the Planning Commission shall hold a public hearing upon the question or modification or revocation of this conditional use permit granted under or pursuant to the provisions of M.M.C. Section 17.66.100(C). If a hearing is required, the City shall notify the property owner / operator prior to the hearing.

47. The conditional use permit shall 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.

Section 7. Certification.

The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 22nd day of November 2010.

JEFFERSON WAGNER, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:

CHRISTI HOGIN, City Attorney

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

AP 10-002

City of Malibu

23815 Stuart Ranch Road, Malibu, CA 90265
(310) 456-2489 ext. 245

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PLANNING DIVISION
NON-CDP APPEAL SUBMITTAL CHECKLIST

Actions Subject to Appeal: Pursuant to Malibu Municipal Code Section 17.04.220, any person aggrieved by a decision or any portion of a decision made by the Planning Manager/Director under the provisions of this title in connection with a site plan review, variance, stringline modification, conditional use permit, cultural resources review, highway dedication or improvement, or temporary use permit may appeal such action to the Planning Commission. Any person aggrieved in a similar manner by such decision made by the Planning Commission may appeal such action to the City Council.

Planning Manager or Planning Commission date of action: September 7, 2010

Case No.: Planning Commission Resolution No. 10-79 (CUP No. 09-009 & LUPA 10-001)

Site Address/Location: 22969 Pacific Coast Highway, Malibu 90265

Note: Appeals shall be addressed to the appellant body on a form prescribed by the City. The appeal shall state the basis of the appeal and identify the decision or portion of the decision being appealed and stated the grounds for the appeal. Only matters raised in the appeal shall be subject to review. Any matters not raised in the appeal shall not be subject to consideration by the appellate body. The purpose of this limitation is to provide adequate notice to all parties with respect to the issues on appeal and eliminate the necessity of rehearing matters not subject to challenge. Although the issues on appeal will be limited by the appeal, the appellate body will accept new evidence (de novo appeal) and will not be bound by the previous record. [M.M.C. Section 17.04.220(B)]

An appeal shall be filed with the City Clerk within 10 days following the date of action for which appeal is made. Appeals shall be accompanied by the filing fee as specified by the City Council ($282.00 for one finding and $159.00 for each additional finding). An appellant shall have an additional 10 days following the date of filing the appeal to submit to the City Clerk in writing, the specific grounds for the appeal. If the appellant does not submit grounds for the appeal within the time allowed by this section, the City Clerk shall return the filing fee and the appeal shall be deemed to have been withdrawn. [M.M.C. Section 17.04.220(C)]

To submit an appeal:

The appeal must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23815 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Department Specialist, at (310) 456-2489 ext. 245.

ALL of the following must be timely filed to perfect an appeal.

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1. Appeal Letter ✓
   An appeal letter setting for the grounds for the appeal

2. Appeal Fees(s) ✓
   In the form of a check or money order made payable to the City of Malibu. Cash will not be accepted.

3. Appeal Checklist (This form with appellant's signature) ✓

An appellant shall have 10 days following the date of filing to submit the following: 9/27/10

4. Grounds of Appeal Letter ____

   An appellant shall have an additional 10 days following the date of filing the appeal to submit to the City Clerk in writing, the specific grounds for the appeal. If the appellant does not submit grounds for the appeal within the time allowed by this section, the City Clerk shall return the filing fee and the appeal shall be deemed to have been withdrawn. See M.M.C. Section 17.04.220(C) for details. Additional fees may be due at the time appellant files the grounds for the appeal.

5. Public Notice Property Owner and Occupant Mailing Labels and Radius Map ✓
   Two certified sets, 500-foot radius from subject property and in no event less than 10 developed properties, 10 labels minimum, printed on 8 ½" x 11", 3 columns, 10 rows (i.e. Avery 5160) with pre-paid postage.
   Note: Site Plan Reviews within the RR-10 and RR-20 zones require 1,000-foot radius notification.
   Note: Stringline Determination requires 500-foot linear feet and in no event less than 10 developed properties.
   The Planning Division will not accept labels dated more than six months after certification.

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the appeal shall be deemed to have been withdrawn and the filing fee shall be returned.

Klaus Obermeyer / Robert J. Allan *
PRINT APPELLANT'S NAME(S)

818 710 7277 / 310 456 6576 *
TELEPHONE NUMBER

APPELLANT'S SIGNATURE(S)

9-16-10
DATE

Appellant's mailing address: Klaus Obermeyer C/o STEVEN SANDLER 20335 Ventura Blvd Suite 200, Woodland Hills, CA 91364
* Robert Allan 23018 Pacific Coast Highway Malibu CA 90265

Appellant's telephone: 818-710-7277 / 310 456 6576

OFFICE USE ONLY

Action Appealed: CUP 09-009

Appeal Period: 9-8-10 / 9-17-10

Date Appeal Form submitted: 9-16-10 Received by:

Date Grounds of Appeal Letter submitted: 9/16/10 Received by:

Date of Mailing Labels/Radius Map submitted: 9-16-10 Received by:

Appeal Completion Date: _____ by: _____
Name, Title

lorjamalibu@yahoo.com

Klaus Obermeyer

c/o 20335 Ventura Blvd.

Woodland Hills, CA 91364

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Robert J. Allan

23018 Pacific Coast Highway

Malibu, CA 90265

To: City of Malibu

23815 Stuart Ranch Road

Malibu CA 90265

September 15, 2010

Dear Planning Commission and City Council:

The Appellant seeks review of the Planning Commission decision in Resolution 10-79 dated September 7, 2010 on the application for Conditional Use Permit No.09-009 ("CUP") and Joint Use Parking Agreement No. 10-001 ("JUPA") for the Malibu Inn located at 22969 Pacific Coast Highway in Malibu.

Grounds for appeal include, but are not limited to, the reasons listed below:

1. Violates MMC 17.60.040
2. Violates MMC 17.48.040
3. Does not comply with the intent of title 17 of the MMC
4. The project would impair the integrity of the CV-1 zone
5. The project is not suitable for the type of land being proposed
6. The project is not compatible with the surrounding uses of the neighborhood

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7. There is not adequate parking and the project would obstruct public traffic circulation

8. The project is not compatible with the Malibu General Plan

9. The project does not comply with LUP 3.1.1, LUP 3.2.1 and LUP 4.4.1

10. The proposed project does not comply with all applicable requirements of state and local laws

11. The proposed use would be detrimental to the public interest, health, safety, convenience or welfare.

12. CUP No. 09-009 is not exempt from the requirement to obtain a CDP

Appellants also do not believe that sufficient conditions were placed on the CUP and JUPA to mitigate the impact of noise, increased traffic and parking, potential danger, alcohol-related problems, nuisance and harm from the Malibu Inn's activities to residents and visitors of Malibu.

Appellants reserve the right to add to or otherwise amend this appeal thru the time of the public hearing before the City Council.

Respectfully submitted,

Klaus Obermeyer

Robert J. Allan

Appellants

Klaus Obermeyer

Robert J Allan

Appellants

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City of Malibu

23815 Stuart Ranch Road

Malibu CA 90265

September 27, 2010

Re: Malibu Inn CUP 09-009 and JUPA 10-001

Dear Planning Commission and City Council Members:

Please see below our additional grounds for appeal of the approval of the CUP and JUPA.

1. **Violates MMC 17.60.040 Non conforming use:**

   Non-Conforming Uses. This section states: "uses which were lawfully established prior to March 26, 1993, and which are no longer permitted or which require a discretionary permit... may be continuously maintained, subject to the provisions of this section. Uses... which are discontinued shall not be resumed. Discontinuance occurs where the use has ceased operating for a period of 180 days... or where the structure used for the use has been removed or destroyed."

   The staff and applicant admit that the use was discontinued, MMC 17.60.040 states "uses...which are discontinued shall not be resumed", therefore the City Council members have the authority and discretion to restrict the permit as necessary in order to protect the health, safety, and welfare of residents and visitors.

   Appellants believe that the CUP and JUPA lack sufficient conditions to mitigate the impact of alcohol-related problems, drunk drivers, crime, noise, increased traffic and reduced parking and public access, potential danger, nuisance and harm from the Malibu Inn's activities and patrons to residents, businesses and visitors of Malibu.

2. **Violates MMC 17.48.040, therefore Finding 1 cannot be made, the proposed use does not comply with all of the applicable provisions of the Malibu Municipal Code. There is not enough required onsite parking.**

   Staff miscalculated the service area. They did not include the bar area when they calculated the Service area. Staff also based calculations on restaurant numbers, not nightclub numbers. At 10pm, the owner/applicant stated they will stop dinner service and take out tables and turn the Inn into a nightclub. The service area then becomes dramatically larger and the parking requirements should be calculated on the highest use.

   At 53 spaces, the Inn is massively underparked for 340 patrons and the 20 plus employees and band members. It is not possible to accommodate parking for 340 people, which is required by the code and the LIP. Even with the JUPA, according to our calculations, the Malibu Inn should be required to have 68 spaces because they did not take into consideration the bar as a service area and have used the wrong formula.

   Furthermore, at 53 spaces, it would require each car to contain 6.4 patrons per car. Realistically, the average car holds 5 people, 340 people in cars holding 5 people each would require 68 parking spaces. Therefore the applicant should provide at least 68 parking spaces. Moreover, employees and patrons will take street parking and displace visitor parking and access.

3. **Does not comply with the intent of title 17 of the MMC, The CV-1 district is intended to provide for visitor serving uses, including motels and bed and breakfast inns, which serve visitors and residents which respect the rural character and natural environmental setting. (Ord. 151 § 15 (part), 1996: prior code § 9265).**
   Finding 8 cannot be made because the "nightclub" aspect of the proposed use does not respect the character and natural environmental setting of Malibu. Furthermore, the proposed use does not meet the goals of following land use policies of the General Plan, including LU Policy 3.1.1, 3.2.1, and 4.4.1. The proposed use is not compatible with the rural and natural environment of Malibu, it will also obstruct public access and it does not provide enough convenient parking.

4. **The project would impair the integrity of the CV-1 zone. Finding 2 cannot be made because the project would impair the integrity and character of the zoning district in which it is located.**

   The Malibu Inn has historically been a restaurant. Since it opened in the 1950's it has run as a restaurant. Contrary to what applicant has stated, it has not been a nightclub continually.

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During the majority of the cityhood it was a restaurant – it was the Omelette Parlor in the 90's and continued as a restaurant until Mitch Stewart, the previous owner, in approximately 2006 turned it into a nightclub.

The proposed use, a nightclub, does not respect the character of the neighborhood, which is a mixed-use area of residential homes, a pre-school, a religious organization and commercial buildings.

5. **The project is not suitable for the type of land use being proposed.** Finding 3 cannot be made because there is not enough required parking.

6. **The project is not compatible with the surrounding uses of the neighborhood:**

Finding 4 cannot be made. The proposed use is not compatible with the surrounding uses of the neighborhood because people live next door and directly across the street from the Malibu Inn and they have a reasonable expectation that during the week they can go to sleep at a reasonable hour. Furthermore, the area is a mix use area – residential and commercial and allowing a nightclub to run 7 days a week until 2AM ignores the rights and needs of residents, the religious organization and pre-school. The area is not a "nightclub" zone, but the proposed use would create a nightclub environment.

Malibu has many restaurants – many of which close well before 12am and those that have live entertainment, most of them stop entertainment at 11pm. For example, Café Habana, on there voicemail message, states it is open from 10 am to 10 pm Sunday through Thursday and on Friday and Saturdays until 11pm for food and 1 am for drinks only. Duke's closes at 10pm Monday through Thursdays and 11pm on weekends. The Beachcomber, directly across the street from the Malibu Inn, closes at 11 pm. Even the Canyon Club in Agoura, which hosts many concert events, starts entertainment at 8pm and stops most entertainment by 11pm. Therefore, the Malibu Inn should close earlier as well.

7. **There is not adequate parking and the project will reduce visitor parking and public access and public traffic circulation.**
There is not sufficient parking at the venue – there are only 22 spaces onsite and 31 adjacent spaces. Part of the original parking lot has a patio built over it, thereby reducing the amount of parking available. Applicants are being granted a special privilege as to being giving an after the fact permit for the patio and in effect shifting the number of required parking spaces offsite in order to keep the patio open.

In addition, we believe that a traffic study is required. The impact of events attracting 340 people, will have a negative impact on the "rural and natural" environment of Malibu. A traffic study should be completed.

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8. The project is not compatible with the Malibu General Plan, which states:

The purpose of this article is to implement the policies of the California Coastal Act of 1976, to carry out the policies of the City of Malibu Land Use Plan. In particular the following provisions are violated by the proposed use:

B. Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
C Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
E. To protect and enhance the quality of the natural environment.
F. To promote the public health, safety and general welfare
G. To ensure that any development in the coastal zone preserves and enhances coastal resources; and protects coastal views and access; and guides growth, development, and environmental management in a manner consistent with the provisions of the Land Use Plan of the Local Coastal Program.
H. To lessen congestion on the streets and provide for adequate off-street parking.

In sum, the "nightclub" aspect of the proposed use does not enhance the "coastal zone environment", the lack of onsite parking minimizes public access to the coast, the creation of a nightclub environment does not take into the consideration the rights of private property owners, the large events to take place will only increase traffic and reduce adequate off street parking for visitors.

9. The project does not comply with LUP 3.1.1, LUP 3.2.1 and LUP 4.4.1:
The proposed use does not meet the goals of following land use policies of the General Plan because it is not compatible with the rural and natural environment of Malibu, it will also obstruct public access and it does not provide enough convenient parking.

10. The proposed project does not comply with all applicable requirements of state and local laws.

The proposed project violates the MMC, the LIP and the CDP as stated above. Furthermore, allowing such a business to exist so close to residential structures with large numbers of people and loud music until 2:00AM seven days a week would constitute a **public or private nuisance** under California Civil Code Sections 3479, 3480, and 3481 and could result in litigation between the Malibu Inn and the residents. See also, People v. Montoya (1933, Cal App Dep't Super Ct) 137 Cal App 784, 137 Cal App 4th Supp 784, 28 P2d 101, 1933 Cal App LEXIS 857; and People ex rel. Gallo v. Acuna, 14 Cal. 4th 1090, 1119-1120 (Cal. 1997).

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11. The proposed use would be detrimental to the public interest, health, safety, convenience or welfare.

A nightclub open until 2 AM will create a situation where people will drink more alcohol. The live entertainment events in combination with late night drinking will increase the probability of intoxication, drunk driving, accidents, vandalism, loitering, graffiti, and noise.

Because of the lack of the ability to enforce compliance, the permit is allowing the Malibu Inn to create a public and private nuisance and shifts the burden of enforcement from the city and law enforcement to residents.

Security can only monitor onsite disturbances, patrons, in excessive numbers, once away from the applicant's premises, intoxicated patrons will drive, disturb the peace and quiet of residents, create a nuisance, get into fights, and risk harm to both residents and visitors nearby and along the highway.

12. CUP No. 09-009 is not exempt from the requirement to obtain a CDP.

Proposed project is in the coastal appeal zone. Project violates the following provisions of LIP 3.12.1 because the proposed use will adversely affect public access.

LIP 3.12.1 States:
A. This chapter assures the provision of adequate off-street parking facilities in conjunction with any residential, commercial or other use or development. These standards should be considered the minimum required to preserve the public health, safety, and welfare, and more extensive parking provisions may be warranted in particular circumstances.
B. New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation. Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible.
C. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.
D. Restrictions on public parking, which would impede or restrict public access to beaches, trails, or parklands (including, but not limited to, the posting of "no parking" signs, red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs), shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation.

Staff does not take into consideration the amount of parking that will be displaced when the Malibu Inn has events with more than 100 people. All roadside parking will be taken by Malibu Inn patrons, thereby eliminating parking and public access to the beach and parkland, including the Pier, for visitors and beachgoers. There is

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not enough onsite parking or enough additional spaces provided through the JUPA. The number of required parking spaces should be increased.

13. The Joint Use Parking Agreement As stated in M.M.C. Section 17.48.050(A)(1), the Planning Commission may approve parking on a separate lot, via a Joint Use Parking Agreement, under the following conditions:

A. Up to one-half of the parking facilties required for a primarily daytime use may be used to meet the requirements of a primarily nighttime use and up to one-half of the parking facilties required for a primarily nighttime use may be used to meet the requirements of a primarily daytime use; provided, that such reciprocal parking arrangement shall comply with subsection C of this section.

Applicants have stated they will have large daytime events as well. These events were not taken into consideration when calculating the amount of adjacent parking available. Therefore it violates LIP 3.12.4.

The required balance of daytime/nighttime use has not been analyzed or met.

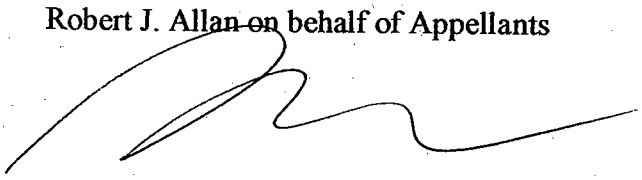
Allowing off site parking is granting applicant a special privilege since the LCP requires all Parking to be on site.

Furthermore, the city planner introduced a change to JUPA at the hearing, which deprived residents an opportunity to review before the hearing. No feasible alternate parking that is within 300ft. was mentioned.

14. **The Security plan was submitted at the hearing thereby depriving the public an opportunity to review and comment on it before the hearing.**

Respectfully submitted

Robert J. Allan on behalf of Appellants



Appellants

Klaus Obermeyer and Robert J. Allan

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CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 10-79

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU APPROVING CONDITIONAL USE PERMIT NO. 09-009 AND JOINT USE PARKING AGREEMENT NO. 10-001 TO PERMIT THE MALIBU INN RESTAURANT WITH LIVE ENTERTAINMENT WHICH WILL SERVE LIQUOR, OPERATE BETWEEN THE HOURS OF 7:00 A.M. AND 2:00 A.M., AND HAVE A MAXIMUM RESTAURANT SEATING CAPACITY OF 94 PATRONS, A MAXIMUM CAPACITY OF 340 PATRONS FOR ENTERTAINMENT EVENTS AND 565 SQUARE FEET OF RETAIL SPACE AT THE 8,960 SQUARE FOOT COMMERCIAL BUILDING IN THE COMMERCIAL VISITOR SERVING - 1 ZONING DISTRICT LOCATED AT 22969 PACIFIC COAST HIGHWAY (HAKIM)

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. The building which houses the Malibu Inn was constructed in 1950 and the adjacent lot has historically provided parking. The use has operated under multiple owners for more than 50 years at the current location.

B. On June 3, 2008, Over the Counter (OC) Permit No. 08-102 was issued to re-open the 565 square foot retail space as Sabotage.

C. Due to a change in ownership of the subject property, the business closed in December 2008 and the restaurant and entertainment venue use ceased.

D. On May 26, 2009, breakfast and lunch service at the restaurant resumed.

E. On December 3, 2009, the subject application was submitted to the Planning Division by Elizabeth Peterson. The application was routed to the City Environmental Health Administrator, the Los Angeles County Fire Department (LACFD) and the Los Angeles County Sheriff's Department for review.

F. On January 12, 2010, a Courtesy Notice of Proposed Project was mailed to all property owners and occupants within a 500 foot radius of the subject property.

G. On May 26, 2010, the application was deemed complete for processing.

H. On July 8, 2010, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500 foot radius of the subject property.

I. On August 3, 2010, at the applicant's request, the public hearing was continued to the

September 7, 2010 Regular Planning Commission meeting.

J. On September 7, 2010, 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. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposal as described above. The Planning Commission has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and therefore, shall be exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared and issued pursuant to CEQA Guidelines Section 15301 – Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines, Section 15300.2).

Section 3. Conditional Use Permit Approval and Findings.

The applicant currently operates an existing restaurant which serves breakfast and lunch and wishes to expand the use to include dinner service, distilled liquor service and live entertainment with dancing. In order to accomplish the project goal to restore the previously existing use at the Malibu Inn (22969 Pacific Coast Highway (PCH)), a conditional use permit (CUP) is required.

The existing service area on the property totals 2,474 square feet (1,184 square feet of interior space, 539 square feet in the banquet room and 751 square feet of exterior space on the patio). There is a 565 square foot retail space located at the eastern portion of the building. The service and retail areas will not change as a result of the proposed project. Additionally, no new square footage or exterior improvements are included in the application and only minor renovations to the interior of the existing commercial building are proposed. Specific interior improvements to the commercial space include: replacing existing flooring, refinishing the bars, upgrading televisions, changing furniture and lighting fixtures, replacing windows with double pane soundproof glass; while keeping a uniform wainscot and rustic wooden theme throughout.

The proposed hours of operation are seven days a week from 7:00 am to 2:00 a.m. The previous hours of operation were seven days a week from 8:00 a.m. to 2:00 a.m. A full menu will be served during all hours of operation, including breakfast, brunch, lunch and dinner offerings. Breakfast and lunch items will be sold throughout the day until close. On days featuring live music, dinner will continue to be served as normal and the kitchen will be open until 2:00 a.m.

The applicant has provided information regarding employees of the Malibu Inn. Mondays through Thursdays, there will be approximately 15 people on staff (including wait staff, bartenders, front of house staff and kitchen staff) throughout the course of each day. On Fridays through Sundays, there will be approximately 24 people on staff throughout the course of each day. All deliveries are scheduled between 8:00 a.m. and 11:00 a.m. on those days.
Ensitu Engineering Inc. completed an analysis of wastewater generation for the proposed use (Report

dated April 28, 2010). Ensitu also completed a comprehensive review, including in-the-field testing of the property's existing onsite wastewater treatment system (OWTS) in relation to the level of use and determined that the existing OWTS is acceptable for the use proposed. The City Environmental Health Administrator has reviewed the April 2010 Ensitu Report and has approved the project as proposed.

The capacity of the existing OWTS, dictates the total number of patrons that may visit the Malibu Inn per day. At current design flow rates, the applicant is permitted a maximum restaurant seating capacity of 94 people in the interior and exterior seating areas. The rest of the tenant space is planned for a food preparation and employee area, as well as restrooms. As stated previously, the existing service area on the property, totaling 2,474 square feet, will not change as a result of the proposed project.

The applicant has applied to the California Department of Alcoholic Beverage Control (ABC) for a Type 47 license which permits the sale of beer, wine and distilled spirits for consumption on the licenses premises. In addition, the applicant has also applied for an Entertainment License from the Los Angeles County Sheriff's Department to permit dancing and live entertainment.

The applicant has estimated that the live entertainment schedule will be apportioned as follows: approximately eight small live entertainment events per month and one large live entertainment event once every two months.

Parking Analysis

Pursuant to Malibu Municipal Code (M.M.C.) Section 17.48.030(G), the parking requirements for "restaurants, nightclubs, bars and similar establishments for the sale and consumption of food and beverages on the premises" are one space for each 50 square feet of service area. The proposed use, which includes dinner service, distilled liquor service and live entertainment with dancing does not change the existing service area square footage that currently exists on the property. In addition, the parking requirement for "general retail stores" is one space for each 225 square feet of gross floor area.

The Malibu Inn has 2,474 square feet of interior and exterior service area and will need to provide 50 parking spaces (one parking space for each 50 square feet of service area). Additionally, the 565 square foot retail space requires an additional three parking spaces. The total required parking for the Malibu Inn is 53 spaces. Currently, the existing parking lot configuration is composed of 20 standard size parking spaces plus two ADA accessible parking spaces, for a total of 22 spaces. No change to the onsite parking lot is proposed under the subject application and there is no physical way that the parking lot could be reconfigured to accommodate the required parking. Therefore, consistent with past operational practices at the Malibu Inn, the applicant will provide the 31 remaining spaces on the adjacent property via a joint use agreement as forth in M.M.C. 17.48.040.

The adjacent property, immediately east, 22959 PCH is owned by the same property owner as the Malibu Inn. This property has historically provided parking for the Malibu Inn as the properties have direct access to one another. The property at 22959 PCH consists of a parking lot but is otherwise undeveloped. There is a covenant recorded between 22969 and 22959 PCH which dedicates a portion of 22959 PCH to serve as a wastewater treatment dispersal area for the Malibu Inn.

The parking lot currently provides approximately 50 parking spaces (19 spaces in excess of the required parking). Allowing the required parking to be located on the adjacent parcel conforms to the parking development standard which mandates that required parking be located within 300 feet of the use it serves.

Although not required, the property owner also proposes a valet parking plan which will park any overflow cars for larger scheduled events at a second property that he owns located at 22761 PCH, which is located approximately 1,700 feet east of the subject property. The garage at 22761 PCH can accommodate a total of 96 vehicles and although not required, will supplement the 53 total parking spaces required for the use. As a condition of approval, the property owner must notify the City and the Los Angeles County Sheriff's Department no less than three days prior to a large entertainment event.

In November 2009, CDP No. 09-067 was submitted for 22959 PCH and proposes to construct a new commercial building (retail / office) and includes the provision for a joint use parking agreement. The CDP application is in the initial stages of planning review and is not expected to be approved in the near future. However, the new commercial building design will be required to incorporate the required parking for any proposed office / retail use as well as maintain the 31 required spaces for the Malibu Inn.

Finally, in addition to the parking spaces designated under the joint use parking agreement, there is also a public parking lot to the immediate south along PCH and there is public parking available along both sides of the PCH right-of-way. While these parking areas cannot be counted towards the overall parking spaces required, they may be utilized by patrons of the larger entertainment events. For the most part, these events are expected to take place at night and would not displace any public coastal access parking.

Findings

Pursuant to M.M.C. Section 17.66.080, the Planning Commission may approve, deny and/or modify an application for a CUP in whole or in part, with or without conditions, provided that it makes all of the following findings of fact. The CUP 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.

A restaurant with an interior capacity in excess of 125 people, a nightclub and a bar are all conditionally permitted uses in the CV-1 zoning district. The existing commercial structure includes a total interior square footage of 8,960 square feet, with a service area that totals 2,474 square feet (comprised of 1,184 square foot interior service area which includes the bar, a 751 square foot service area on the outdoor patio which includes a bar and a 539 square foot service area in the banquet room). The project has been conditioned to comply with all applicable provisions of the M.M.C.

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

The proposed use is a commercial use on commercially zoned property and therefore, would not impair the integrity and character of the CV-1 zoning district. The Malibu Inn has occupied the subject property for several decades and is located within a long strip of commercial properties located on the landward

side of PCH, east of the Pier. Furthermore, the proposed project will conditionally permit the previously operating restaurant and therefore is not anticipated to result in a change from the existing conditions within the zoning district. Finally, the use previously had ABC Liquor and Entertainment Licenses and operated as a restaurant with a bar and live entertainment.

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

The project site contains existing commercial development. The proposed tenant improvements consist of a minor interior remodel only and no exterior changes are included in the project scope. The business has operated on the subject property since the 1950s. A total of 53 parking spaces are required for the proposed use. There are 22 parking spaces that exist onsite and the property owner has agreed to a joint use parking agreement to provide for the remaining 31 spaces to be located on the adjacent property that he also owns. The parking spaces will be provided for the use of the patrons and employees of the Malibu Inn. Therefore, the site is physically suitable for the use being proposed.

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

The Malibu Inn has operated at the subject property since the 1950s. It closed briefly at the end of 2008 due to the sale of the property. The property is surrounded by both commercial, open space and residential uses. There is a mix of commercial, office and retail uses in the immediate vicinity of the site. There are very few residences located within close proximity to the subject property.

The property owner has agreed to a condition of approval which will prohibit live entertainment on the exterior patio. In addition, further conditions of approval which limit noise from the patio have been included for this project in compliance with the M.M.C. Noise Ordinance. Furthermore, conditions of approval have been included to require that the property owner notify the City Code Enforcement Officer and the Los Angeles County Sheriff's Department no less than three days prior to a large entertainment event (defined as any event with 100 or more persons in attendance) and to provide security personnel onsite seven days a week from 9:00 p.m. to closing to ensure that noisy and rowdy patrons leaving the establishment will not adversely affect the welfare of neighborhood residents. Therefore, this proposed use is compatible with the land uses in the surrounding neighborhood.

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 use is compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located in that the surrounding land uses are comprised of a wide range of commercial uses including restaurants, retail uses, medical and professional offices, as well as public open space to the south. The only vacant property in the immediate vicinity (22959 PCH) is owned by the subject property owner and is zoned for commercial 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.

Existing utilities will serve the proposed project. The Los Angeles County Fire Department (LACFD) reviewed the CUP and issued a conditional approval on February 18, 2010. Some of the conditions require that applicant test existing fire hydrants and submit plans to the Fire Prevention Engineering Department. In addition, the City Environmental Health Administrator reviewed the CUP and determined that the existing OWTS is adequate for the proposed use. As conditioned, the proposed conditional use permit would limit the hours of operation from 7:00 a.m. to 2:00 a.m. daily. No changes to the exterior of the existing structure are proposed, so no impacts to solar access or public or private views will occur.

The proposed project will not create any shade or shadow impacts that would impede solar access. The existing commercial structure at 22969 PCH will not change under this application, and therefore, will not adversely impact existing public and private views.

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

No change to the site or circulation plan for the existing commercial property is proposed by this CUP. Upon completion of the construction of the commercial building on the adjacent parcel to the east, parking will be accommodated in accordance with the joint use parking agreement. The proposed use will have adequate parking for public access and will not obstruct public traffic circulation. It is anticipated that the reopening of the previously existing use would not substantially impact public access or circulation.

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

The use is a conditionally permitted commercial use in the CV-1 zoning district. The General Plan defines the CV zone as providing for visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Visitor serving uses 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.

The proposed project meets the goals of the following land use policies of the General Plan:

LU Policy 3.1.1:	The City shall ensure visitor serving and recreational uses are compatible with the natural resources and aesthetic values of the area.
LU Policy 3.2.1:	The City shall permit the development of commercial recreational and visitor servicing facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking and, when feasible, are located where existing low cost recreational uses will be enhanced.
LU Policy 4.4.1:	The City shall encourage establishment and continued operation of small neighborhood and community serving businesses.

As such, the proposed project, as conditioned, is consistent with goals, objectives and policies of the General Plan.

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

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 Los Angeles County Sheriff's Department.

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

The proposed project will reopen a previously existing restaurant and bar that provides live entertainment, which is a conditionally permitted use in a commercial zone. As stated in Finding 6, the LACFD has conditionally approved the CUP and set maximum occupancy for both dining and live entertainment events. In addition, the Los Angeles County Sheriff's Department issued a conditional approval of the CUP on May 13, 2010, specifically requiring that the property owner notify the department of all planned entertainment events. A condition has been added to Planning Commission Resolution No. 10-79 which requires that the property owner notify the City Code Enforcement Officer and the Los Angeles County Sheriff's Department no less than three days prior to a large entertainment event (defined as any event with 100 or more persons in attendance). Finally, the report generated in conjunction with the ABC application indicates that the property owner has not been subject to any disciplinary infractions in the past with regard to a liquor license. 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.

The project will not be at risk from earth movement and flood hazards since the application only involves reopening a previously existing use within the existing commercial structure. The building footprint and envelope will not change; therefore, there is no new impact related to earth movement, flooding or liquefaction.

Section 4. Joint Use Parking Agreement Approval.

As stated in M.M.C. Section 17.48.050(A)(1), the Planning Commission may approve parking on a separate lot, via a Joint Use Parking Agreement, under the following conditions. The agreement will be between 22959 PCH and 22969, which are under common ownership. A deed restriction shall be recorded on the title of each property reflecting the permanent reciprocal parking agreement.

A. Up to one-half of the parking facilities required for a primarily daytime use may be used to meet the requirements of a primarily nighttime use and up to one-half of the parking facilities required for a primarily nighttime use may be used to meet the requirements of a primarily daytime use; provided, that such reciprocal parking arrangement shall comply with subsection C of this section.

The proposed hours of operation for the subject use are from 7:00 am to 2:00 a.m. The adjacent property at 22959 PCH is undeveloped with the exception of the parking lot historically used to provide parking for the Malibu Inn. However, an application (CDP No. 09-67) for a commercial building for that site has been submitted to the Planning Division. The new commercial building design will incorporate the required parking for any proposed office / retail use as well as maintain the required parking for the Malibu Inn pursuant to the joint use parking agreement.

Although the commercial building is not expected to be approved in the near future, staff has anticipated parking impacts during the course of construction and provided conditions of approval to maintain required parking. Parking displaced during construction would be temporarily relocated to the commercial / office building located at 22761 PCH since it is also owned by the same owner as the Malibu Inn.

Historically, the heaviest parking demand at the Malibu Inn is primarily evenings and weekends. Commercial development on the adjacent parcel is anticipated to be either office or retail with primarily daytime operating hours. In addition, the 31 spaces required for the Malibu Inn will be supplementary to the parking spaces required for the new commercial development, so the uses will not be in conflict. Therefore, the reciprocal parking arrangement will comply with subsection C.

B. The planning commission may reduce parking requirements for common parking facilities by up to 25 percent in shopping centers or other commercial areas where a parking lot with common access and joint use is provided.

The property owner has not requested to reduce the required parking spaces. The reciprocal parking agreement will provide additional parking spaces in excess of what is required for the proposed use.

C. The parties concerned shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use is proposed and shall evidence agreement for such use by a proper legal instrument, to which the city is a party.

The subject property owner owns the subject property and the other commercial property involved in the joint use parking agreement. The subject property will operate from 7:00 a.m. to 2:00 a.m. daily, with live entertainment events primarily being held in the evenings. The other property is proposed to be office / retail uses with principal operating hours during the daytime. There will be no substantial conflict in the principal operating hours for the two properties. Prior to the approval of any project on the adjacent lot, all code required parking will need to be provided. A legal agreement between the City and the property owner is required as a condition of approval. The agreement will contain requirements for an annual review by the Planning Manager with authority to modify the agreement as necessary to maintain onsite parking arrangements.

Section 5. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves Conditional Use Permit No. 09-009 and Joint Use Parking Agreement No. 10-001, subject to the conditions listed below.

Section 6. Conditions of Approval.

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

2. This approval is to allow for the following:
   a. Operation of a restaurant with live entertainment;
   b. Maximum dining seating capacity of 94 patrons and maximum event capacity of 340 patrons;
   c. Service of distilled liquor;
   d. Interior improvements including:
      i. Replacing existing flooring,
      ii. Refinishing the bars,
      iii. Upgrading televisions,
      iv. Changing furniture and lighting fixtures, and
      v. Replacing windows with double pane soundproof glass; and
   e. Joint use parking agreement between properties addressed as 22959 PCH and 22969 PCH.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Division. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to Local Coastal Program (LCP) Local Implementation Plan (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 Division within 10 days of this decision and prior to issuance of any development permits.

5. This conditional use permit shall be reviewed on a semi-annual basis for the first year, and then on an annual basis thereafter. At this time, the property owner shall provide evidence that the joint use parking agreement is still in effect. At least two weeks prior to the review date, the applicant shall pay the Planning staff site inspection fee in effect at the time of request for site inspection. A staff planner will conduct a site visit to verify compliance with the provisions set forth in this resolution. If necessary, the conditional use permit may be brought back to the Planning Commission for additional conditions to mitigate and/or prevent nuisances that were identified. Possible mitigation measures can include:
   a. Modifying the hours of operation;
   b. Restricting alcohol service;
   c. Hiring additional security personnel;
   d. Prohibiting music;
   e. Installing noise mitigating measures / devices; or

f. Other measures deemed necessary by the Planning Commission.

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

7. All interior tenant improvements shall conform to requirements of the City of Malibu Environmental and Building Safety Division, City Environmental Health Administrator and City Public Works Department, as applicable. Notwithstanding this review, all required permits shall be secured.

8. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Manager, provided such changes achieve substantially the same results and the project is still in compliance with the M.M.C. Revised plans reflecting the minor changes and additional fees shall be required.

Fire Department

9. All applicable requirements of the Los Angeles County Fire Department Land Development Unit – Fire Prevention Division set forth in the review sheet dated February 18, 2010 shall apply.

Environmental Health

10. Except as specifically required by the conditions of approval, no renovation of the septic tank and drainfield system is required. The City Environmental Health Administrator's approval dated May 13, 2010, does not represent an expansion, modification or change in the type or intensity of use of the existing onsite wastewater treatment system.

11. The piping connections between the grease interceptor, septic tanks and distribution boxes shall be brought into conformance with the Malibu Plumbing Code (MPC). Prior to the authorization to operate the restaurant during dinner and/or nightclub hours, a piping plan shall be submitted for review and approval, and a final construction permit shall be submitted to the Environmental Health Administrator.

12. The subject Environmental Health approval pertains only to the use of the premises not to exceed 94 restaurant seats, 340 nightclub patrons and 565 square feet of retail spaces.

Sheriff's Department

13. The property owner shall be required to notify the Sheriff's Department (Malibu / Lost Hills Station) and the City of Malibu of any live entertainment event scheduled to take place within the Malibu Inn, especially pertaining to live bands no less than three days prior to the event. If the property owner books a larger event (in excess of 100 attendees), he shall contact the Sheriff's Department to discuss potential requirements for contracting for a law enforcement presence to handle any crowd and traffic control. Additionally, the plan shall include a contact phone number of an individual who will be available during entertainment events to address complaints.

Joint Use Parking Agreement

14. The property at 22959 PCH shall serve as a donor site for no less than 31 parking spaces for the subject property at 22969 PCH. A legal agreement (Joint Use and Common Parking Facilities Agreement) between the City and the property shall be required. The agreement shall contain requirements for an annual review by the City Planning Manager with authority to modify the agreement as necessary to maintain onsite parking arrangements. A deed restriction shall be recorded on the title of each property reflecting the permanent reciprocal parking agreement. Should the 31 offsite parking spaces at any point be provided elsewhere, the legal agreement shall be amended to reflect the new offsite parking location. The 31 parking spaces at 22959 PCH may be reallocated to any future development on this site.

15. An amendment to the conditions set forth in this CUP shall be required if there is a proposed change to the joint use parking agreement.

Operations

16. The approved hours of operation are from 7:00 am to 2:00 a.m., seven days per week. Complete closure and all employees must vacate the premises no more than one hour after closing, daily. No after hours operation shall be permitted.

17. A maximum of 94 seats for dining are approved under this permit. The maximum interior and exterior occupancy for entertainment events is 340 patrons.

18. Live entertainment events shall be limited to a maximum of two large events (defined as events with 100 or more attendees) and eight small events (events with less than 100 attendees) per month.

19. No exterior activity such as trash disposal, recycling pickup, delivery trucks or exterior maintenance is permitted onsite between the hours of 10:00 p.m. and 7:00 a.m. Additionally, bottles and glass containers shall not be emptied into outdoor trash or recycling bins between 10:00 p.m. and 7:00 a.m.

20. This CUP permits the sale of distilled spirits as well as beer and wine with a Type 47 License. The property owner / operator shall obtain all necessary approvals from the California Department of Alcohol Beverage Control. Once obtained, the applicant is required to provide to the Planning Division a copy of the ABC issued On-Premise Consumption License.

21. Prior to the start of employment, employees that serve alcohol shall undergo an alcohol training program such as TIPS (Training for Intervention Procedures), designed to prevent intoxication, underage drinking and drunk driving. Evidence of completion of this training shall be submitted to the Planning Division.

22. This CUP permits live entertainment and dancing. Once obtained, the applicant is required to provide to the Planning Division a copy of the Los Angeles County Sheriff's Department Entertainment License.

23. No live entertainment is permitted on the exterior patio at any time. Low level amplified music is permitted on the patio during the hours of 7:00 a.m. to 10:00 p.m., daily. Unnecessary and boisterous noise from the patio between the hours of 10:00 p.m. and 2:00 a.m. shall be prohibited.

24. Prior to final planning approval, the property owner / operator shall install small signs in the interior of the business on or near the exit doors requesting that patrons not loiter outside and be courteous and quiet when leaving the building and parking areas.

25. All exterior doors shall remain closed when not being used for ingress/egress purposes. The property owner shall install self-closing door mechanisms on all exterior doors.

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

27. The property owner / operator (or designated representative) shall monitor the noise levels adjacent to nearby residences to check compliance with City noise regulations (i.e. the noise should not be plainly audible within five feet of any residential dwelling unit). If the property owner / operator (or designated representative) determines that the noise level exceeds City noise regulations, they shall immediately notify the musicians to reduce noise levels in compliance with City noise regulations.

28. 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 any applicable conditions of approval for the subject use relating to parking, smoking, litter, noise, loitering, etc.

29. Per M.M.C. Section 9.34.020, smoking is prohibited in all outdoor dining areas located on private or public property, including the public right-of-way. Smoking is also prohibited within 20 feet of an outdoor dining area, except while actively passing by on the way to another destination.

30. Per M.M.C. Section 9.34.030, the property owner shall post and maintain "no smoking" signs in conspicuous locations within the outdoor dining area. All such signs shall: 1) be no greater than one square foot in size; 2) be prominently displayed; 3) clearly state "no smoking" and/or use the international "no smoking" symbol; and 4) reference M.M.C. Section 9.34.020.

31. Prior to commencement of alcohol service, a security plan shall be submitted to the City Environmental and Community Development Department and the Los Angeles County Sheriff's Department for review and approval. The plan shall address both physical and operational security issues and shall be no less stringent than the plan submitted to the City on September 7, 2010. Additionally, the plan shall include a contact phone number of an individual who will be available during entertainment events to address complaints.

32. The property owner / operator (or designated representative) shall regularly monitor the area outside of the restaurant to ensure peace and quiet. Security personnel shall be provided seven

days a week from 9:00 p.m. to closing to ensure that noisy patrons leaving the establishment will not adversely affect the welfare of neighborhood residents.

33. At the close of business each day, the property owner / operator shall clean up any litter or any other items that were likely to have been left by patrons of the subject establishment found on the subject property or along the public right-of-way.

34. No sign shall be illuminated after 11:30 p.m., or close of business, whichever occurs last.

35. Any proposed structural changes to the existing signs shall require review for the requirements set forth in M.M.C. Section 17.52 - Signs.

36. Window or other signage visible from the public right-of-way that advertises beer or alcohol shall not be permitted.

37. No restaurant, food packager, retail food vendor, 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.

38. The property owner / tenant shall comply with the requirements set forth in M.M.C. Section 9.28—Ban on Plastic Shopping Bags. 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.

39. A copy of the conditions of approval must be kept on the premises and presented to the Los Angeles County Sheriff's Department upon request.

40. Parking displaced during any future construction on 22959 PCH shall be temporarily relocated to the commercial / office building located at 22761 PCH since it is owned by the same property owner (ASK Group, LLC) as the Malibu Inn. If this situation changes, alternate offsite parking arrangements will need to be coordinated with the Planning Manager prior to building permit issuance for development at 22959 PCH.

41. Within 60 days of the issuance of the conditional use permit, an after-the-fact building permit shall be obtained for the retaining wall along the hillside at the rear of the property (as identified in Building Permit No. 02-0233), which creates the area for the planter.

Fixed Conditions

42. The conditions under which this conditional use permit was approved may be modified by the

City of Malibu without the consent of the property owner or operator if the Planning Commission finds that the use is creating a nuisance.

43. A conditional use permit that is valid and in effect, and was granted pursuant to the provisions of this title 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.

44. Violation of any of the conditions of approval shall be cause for revocation of the conditional use permit and termination of all rights contained therein.

45. This conditional use permit shall become null and void with the demolition of the building.

46. If it has cause to believe that grounds for revocation or modification may exist, the Planning Commission shall hold a public hearing upon the question or modification or revocation of this conditional use permit granted under or pursuant to the provisions of M.M.C. Section 17.66.100(C). If a hearing is required, the City shall notify the property owner / operator prior to the hearing.

47. The conditional use permit shall 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 haven't been substantially met.

Section 7. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 7th day of September, 2010.

JOHN MAZZA, Planning Commission Chair

ATTEST:

JESSICA BLAIR, Recording Secretary

LOCAL APPEAL - Pursuant to LIP Section 13.20.1 (Local Appeals), a decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and 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 may be found online at www.ci.malibu.ca.us, in person at City Hall or by calling (310) 456-2489 extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 10-79 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 7th day of September 2010, by the following vote:

AYES: COMMISSIONERS: HOUSE, STACK, TOLEDO, JENNINGS AND MAZZA
NOES:
ABSTAIN:
ABSENT:

JESSICA BLAIR, Recording Secretary

Stephanie Danner

From: Alexander Hakim [alexihakim@gmail.com]
Sent: Wednesday, November 10, 2010 11:41 AM
To: l.pope@ci.malibu.ca.us
Cc: pamela@malawbu.com
Subject: Malibu Inn Restaurant

Dear Council Members,

I am writing this letter to discuss the positive ways in which the Malibu Inn will impact the City of Malibu, help to promote the local arts, and our plans moving forward.

First and foremost, we have seen that there is no place in Malibu for local artists and musicians to be able to showcase their talents. Many famous and successful musicians today got their start at the Malibu Inn and have been waiting for a chance to play there again. Just a few weeks ago, Tom Petty requested to play and have his 60th birthday party at the Malibu Inn, however, due to the delay in our CUP, he was forced to go Harvels in Santa Monica instead. We have also been in talks with Julia Holland, a local involved in the community, who would love to be able to host events for the different organizations she's affiliated with. A few months ago we partnered with her to use the Malibu Inn to host an event for the Eco Hero kids, which was a great success. Juliet Beynon is another member of the community who has approached us and stressed her desire for the Malibu Inn to reopen, as well as been in talks with a number of artists who are hoping to play there such as Pat Benetar. We want the Malibu Inn to serve as an outlet and platform in which local members of the community, old and new, can display their talents and share it with the community.

Aside from the muiscal aspect of the Malibu Inn, which it is historically known for, we also will strive to serve exceptional food during all hours of our operation at an affordable price. We have been engaging a renowned chef to create our menu and train the kitchen staff. We have hired an award winning designer to help renovate and give the establishment a facelift, while still keeping its character and integrity in tact. Finally, we have also hired a pair of restaurant consultants, each with 25 years of experience to lead a first class operation of the project. We strongly believe that these key components will help revive the Malibu Inn and make it better than it has ever been.

By being granted our CUP we will also be able to create employment, as well as generate revenue for the city. Everything we are planning is to be done in an organized and responsible fashion. We have hired the professionals to help lead this project and are just beginning to scratch the surface of what we intend to accomplish. With your help we can save an iconic establishment and bring back the memories and rich history that Malibu has grown to enjoy for generations. We look forward to hearing from you and making the city proud.

Warm Regards,
Alexander Hakim

RECEIVED 9.7.10
PLANNING COMMISSION
ITEM NO. 5A

SECURITY PLAN

"Malibu Inn"
22969 Pacific Coast Hwy
Malibu, California 90265

Owned and Operated by:
Malibu Café, LLC – Kambiz Hakim

Security plan prepared by:
Elizabeth Peterson Group, Inc.
1850 Industrial St. #606, Los Angeles, CA 90021
January, 2010

Date Received 09.07.10 Time 6:30pm
Planning Commission meeting of 09.09.10
Agenda Item No. 5A
Total No. of Pages 6 Attachment 4

MALIBU INN
SECURITY PLAN

Malibu Inn

22969 Pacific Coast Highway
Los Angeles, California 90265

Definition of security:

- Freedom from exposure to danger, safety or a place of safety.
- Feelings of or the assurance of safety or certainty.
- That which secures a means of protection and defense.

Goals:

- To create a safe and secure environment within The Malibu Inn for all patrons
- To provide a level of control and safety for all arriving and departing guests of the The Malibu Inn
- To mitigate any noise or inappropriate conduct directed at the immediate neighbors and leaseholds by patrons upon entry or departure from The Malibu Inn
- To diffuse all situations as they occur. The The Malibu Inn Security Staff will provide a strong presence by blending integrity and professionalism with advanced techniques of physical security, protection and detection. Current practices of the industry will be augmented with law enforcement strategies and tactics.

Introduction:

A strategy of deterrence will be adopted as to minimize the impact of additional traffic to the community while ensuring the benevolent effects of revenue and business. A policy of zero tolerance will be enacted against narcotics and other contraband. Proactive measures will be utilized (as training is available and techniques are safe). A policy of full disclosure/full cooperation will be in effect towards law enforcement personnel and other city officials. Additionally, full cooperation and coordination with neighboring businesses will act as a force multiplier of security for the community, businesses, patrons and employees.

Uniform for all Security

Security Uniforms: All Security staff will be required to wear
Black Trousers, (No Jeans)
A Plain Black T-Shirt or Polo Shirt
Black Security Jacket- Approved or Provided by The The Malibu Inn
Laminate or Patch on Breast Pocket
The laminate **will always be worn on Breast Pocket, identifying you as A Security Guard for the The Malibu Inn.** All Security will be easily identifiable to Guests, Law Enforcement, and Emergency Services Etc. Security will not work at anytime without a laminate or Breast Pocket Patch.

Structure:

* Hours of Operation:
* Only during special events having live entertainment and/or dancing.

Security listed below is when venue is at full capacity.

Basic security guideline for staffing is as follows:
Head Security present at all times venue is hosting dancing/live entertainment events.

General Security staff based on occupancy and Party or event configuration:
Security Requirement: **1 guard per every 50 patrons.**

During special events having live entertainment events with a maximum occupancy of the The Malibu Inn, there will be a team of security members, depending on occupancy of the event and any special event taking place anywhere within the The Malibu Inn.

Responsibilities:

Each staff member will be trained to set up and control queuing, adhering to the staging request of LA County Sheriff's Department in coordination with any requests from MTA Transit.

All Security shall maintain order within The Malibu Inn and its immediate surroundings and prevent any activity, which would interfere with the quiet enjoyment of their property by nearby residents.

All staff will be knowledgeable to all security positions and the requirements each different position entails.

IT IS THE DUTY OF EVERY MEMBER OF THE TEAM TO PROTECT THE ESTABLISHMENT, ITS PATRONS, AND EMPLOYEES FROM ANY AND ALL PERCEIVED AND REAL THREATENING SITUATIONS.

Head of Security - Guard 1

Roving Security Position - supervise general security staff

- Responsible for all security and safety
- Liaison to state and city officials. Liaison between venue owners, party coordinators, promotional staff all based on security requirements.
- Coordinates space configuration on a nightly basis
- Ensures proper requirement compliance of all security staff
- Maintains the contact information list of all security personnel working each and every shift. Provides law enforcement officials with this list upon their request and with proper government.
- Roves entire venue during operating hours to ensure patron flow, keep aisles and exit pathways clear.
- Maintains CPR certification
- Provides security walk out for departing employees-end of shift

Stationary Security - Guard 2

Controls front door, monitors entry of all patrons.

- Controls access to the restaurant during special events having live entertainment and/or dancing
- Checks for proper identification
- Enforces zero tolerance policy towards narcotics and contraband
- Counts all persons entering the club
- Controls Exit Count on Clicker-Fire Assemblage
- Maintains CPR certification

Stationary Security – Guards 3

Stationary Security

- Maintain properly cued lines if necessary
- Enforce zero tolerance policy towards narcotics and contraband
- Monitor immediate and adjacent parking areas for the following:
    1. Loud music
    2. Drinking in vehicles
    3. Yelling and shouting
    4. Traffic flow

5. Car horns

- Maintain CPR certification

Patio Guard – Guard 4

Roving Security for Mezzanine / during special events having live entertainment and/or dancing

- Monitors bartenders for proper ID's, not over-pouring, operational integrity and maintain security for bar.
- Monitor Basement for Occupancy
- Ensures safety in all lounge areas of the basement floor
- Controls beverage consumption on the basement floor
- Responsible for monitoring back corridor to the kitchen
- Maintain security presence in restroom corridor and patron traffic flow
- Maintain CPR certification

Additional Security Team Members will be scheduled on an as needed basis and determined by The Malibu Inn Operators and Security Head.

Communication:

Each security staff member will carry a hand held Motorola radio. Surveillance attachments (ear piece/microphone) will be utilized as warranted. Management and Security Head of the The Malibu Inn will constantly monitor all radio traffic.

Electronic Security:

The The Malibu Inn will always use an extensive CCTV (Closed Circuit Television) system integrated with an alarm network, which will feed into the control room. This camera system will provide coverage of all interior areas, including all entrances and exits to the premises. The camera system will be activated and in use during any business activity. Advanced digital recording will store all data from the CCTV and alarm systems. All data will be maintained for no less then a 30-day period. All tapes shall be made available to the Central police department upon demand.

Requirements For Security Personnel

A valid Guard Card issued by Consumer Affairs, State of California

Certificate of completion, Alcoholic Beverage Control Department "LEAD Program"

Special Requirement for team leaders only, certificate of CPR (cardio-pulmonary resuscitation) training

Trained on cueing line to lesson the impact of foot traffic and traffic flow for motor vehicles.

Trained in all aspects of how to fill out FI (field interview) reports

Knowledge of general layout to include all safety devices and emergency escape routes Standard First Aid Card, Provided Through Red Cross, Renewed Every 3 years. (This basic Course provides full CPR Training)

Security Personnel Agreement

Verbal skills and proper utilization of force will be our primary tools of conflict resolution. Calm, exacting and professional behavior will give our neighbors and clientèle the strong perception of a good positive security presence, while retaining the ability to use the strength of our bodies **only** when presented with extreme situations.

Each Security Staff Member will be required to obtain a pass in Red Cross training for Basic First Aid. This class will be In addition to completing all seminars and work shops.

The Malibu Inn Management will educate all Security Guards in the basic response skills necessary to assist in the event of a drug overdose, natural disaster, bomb threat etc.

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

RECEIVED
SEP 07 2010
PLANNING DIV.

DATE: February 18, 2010

ATTENTION: PLANNING SECTION

CITY: Malibu

SUBJECT: CUP 09-009

LOCATION: 22969 Pacific Coast Highway

☐ The Fire Department has no additional requirements for this permit.

☒ The required fire flow for public fire hydrants at this location is **2500** gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. 2 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

☐ The required fire flow for private on-site hydrants is **1250** gallons per minute at 20 psi. for a duration of two hours. If more than one on-site fire hydrant is required, the on-site hydrant shall be at least **2500** gallons per minute at 20 psi, flowing from two hydrants simultaneously, one of which must be the furthest from the public water source.

☒ Public fire hydrant(s): Install ___ Upgrade __ Verify (flow test) 1 existing public fire hydrant(s).
Private on-site fire hydrant(s): Install ___ Upgrade __ Verify (flow test) ___ existing private on-site fire hydrants.

All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall.

☒ **Water:** Flow test the exixting public fire hydrant nearest the lot frontage as indicated on the site plan markup.

☒ **Access:** Existing.

☒ **Special Requirements:** Submit tenant improvement plans to Fire Prevention Engineering, 2600 Agoura Road, Calabasas, CA 91302 (818)880-0341.

☒ **Comments:** Submit a completed LACoFD fire flow form, Form #196 (original only), to Fire Prevention Land Development for review prior to clearance of the CUP.
Additional water system requirements may be required when this land is further subdivided and/or during the building permit process.

Fire Protection facilities; including access, must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: Nancy Rodeheffer

Patricia Salazar

Subject: FW: Malibu Inn - Joint Use Parking Amendment

RECEIVED
SEP - 7 2010
PLANNING DIV.

From: Ross Stephenson [mailto:ross@epgla.com]
Sent: Tuesday, August 31, 2010 4:01 PM
To: Elizabeth Peterson; Stephanie Danner; Joyce Parker-Bozylinski
Subject: Malibu Inn - Joint Use Parking Amendment

Ms. Danner & Ms. Bozylinski,

Per our meeting last week, we would like to add some language to item #14 on page 26 of the Planning Commission Resolution, wherein the joint use parking agreement is laid out. We discussed this change at the meeting, though we understand if the report cannot be changed so close to hearing. The below is what the applicant would like added, but if you are required to change the verbiage, please notify us as such.

14. The property at 22959 PCH shall serve as a donor site for no less than 31 parking spaces for the subject property at 22969 PCH. A legal agreement (Joint Use and Common Parking Facilities Agreement) between the City and the property shall be required. The agreement shall contain requirements for an annual review by the City Planning Manager with authority to modify the agreement as necessary to maintain onsite parking arrangements. A deed restriction shall be recorded on the title of each property reflection the permanent reciprocal parking agreement. ***Should the 31 offsite parking spaces at any point be provided elsewhere, the legal agreement shall be amended to reflect the new offsite parking location. The 31 parking spaces at 22959 PCH may be reallocated to any future development on this site.***

Thank You,

Ross Stephenson
Elizabeth Peterson Group
Associate Planner
P-213.674.2686
F-213.674.2689

Date Received 09.07.10 Time 3:30 pm
Planning Commission meeting of 09.07.10
Agenda Item No. 5A
Total No. of Pages 1

Patricia Salazar

Subject: FW: [web site request] Malibu Inn

From: webmaster
Sent: Tuesday, September 07, 2010 8:34 AM
To: Jessica Blair
Subject: FW: [web site request] Malibu Inn

From: stellem@tellem.com [stellem@tellem.com]
Sent: Monday, September 06, 2010 9:25 PM
To: webmaster
Subject: [web site request] Malibu Inn

Susan Tellem stellem@tellem.com has submitted the following message through the web site:

Regarding the upcoming agenda item Conditional Use Permit No. 09-009 and Joint Use Parking Agreement No. 10-001 - An application for a conditional use permit to permit the Malibu Inn restaurant with live entertainment which will serve liquor, operate between the hours of 7:00 a.m. and 2:00 a.m.. and have a maximum restaurant seating capacity of 94 patrons, a maximum capacity of 340 patrons for entertainment events and 565 square feet of retail space at the 8,960 square foot commercial building a (Continued from August 3, 2010) - there is a 145 page staff report and that is enough to scare off any one who doesnt want this here in Mallibu

Date Received 9-7-10 Time 8:00 am
Planning Commission meeting of 9-7-10
Agenda Item No. 5A
Total No. of Pages 1

CC: Planning Commission, City Council, CA, PM, Recording Secretary, Reference Binder, File

Patricia Salazar

Subject: FW: Malibu Inn Conditional Use Permit

From: Stephanie Danner
Sent: Tuesday, September 07, 2010 8:17 AM
To: Jessica Blair; Ryan Scates
Subject: FW: Malibu Inn Conditional Use Permit

Date Received 9-7-10 Time 8:00 am
Planning Commission meeting of 9-7-10
Agenda Item No. 5A
Total No. of Pages 2

-----Original Message-----
From: zach@father.com [mailto:zach@father.com]
Sent: Monday, September 06, 2010 7:02 AM
To: Stephanie Danner
Subject: Malibu Inn Conditional Use Permit

Zach Mandelstein
23033 Pacific Coast Highway
Malibu, CA 90265

September 6th, 2010

Planning Commission
City Hall
Malibu CA 90265

Re: Malibu Inn Conditional Use Permit

Dear Chair Mazza and Members of the Planning Commission:

I recently heard about the Malibu Inn's application and am compelled to write in response to the recommended actions I read in the Commission Agenda Report.
My family and I are extremely concerned about the Malibu Inn being granted a permit with such weak restrictions.

For many years, I lived at the Surfrider Beach Club, just a few hundred feet away from the Malibu Inn. While living there, I often saw patrons leave the Malibu Inn who were intoxicated. Our building was consistently littered and loitered by these people eating at the 24 hour Jack in the Box after bar closing, and many of them loitered in the parking lot. They also left broken bottles in front of our building and on the sidewalk. Some patrons urinated in front of our building.

Clearly if you close a bar at 2pm you will have people drinking and driving so alcohol service should be stopped earlier.
I have witnessed many fights break out at the Malibu Inn. Some very serious fights involving drunken patrons as they were leaving the bar.
I've seen patrons fight outside in the parking lot. I have also seen bouncers fight with patrons outside in the parking lot.
Also while living at Surfrider Beach Club, sometimes I would DJ in my spare time (at no cost) at the Malibu Inn. I can only describe the behavior I saw of some of the patrons as alarming, there seemed to be little boundaries.
With so many drunk drivers and accidents on PCH lately, I feel that giving the Malibu Inn a permit to "run as a nightclub" would be an invitation to more drinking and driving by locals and visitors to Malibu.

CC: Planning Commission, City Council, CA, PM,
Recording Secretary, Reference Binder, File

I am concerned about the safety of my family and other residents of Malibu.

To reduce the harm from the permit, I feel the Malibu Inn should be closed earlier, or have the service of alcohol stopped earlier, monitor the type of bands allowed to play, and have more security guards.
Please consider my interests and concerns as a neighbor and resident of Malibu.

Sincerely,

Zach Mandelstein
President
Father.com
310-689-8153 cel
424-644-0420 fax
zach@father.com

NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL

The Malibu City Council will hold a public hearing on **MONDAY, November 22, 2010, at 6:30 p.m. in the Council Chambers, Malibu City Hall**, 23815 Stuart Ranch Road, Malibu, CA, on the appeal of the approval of the coastal development permit identified below.

APPEAL NO. 10-002 – The Appellants, as listed below, filed an Appeal of Planning Commission Resolution No. 10-79, approving Conditional Use Permit No. 09-009 and Joint Use Parking Agreement No. 10-001 to permit the Malibu Inn restaurant with live entertainment which will serve liquor, operate between the hours of 7:00 a.m. and 2:00 a.m., and have a maximum restaurant seating capacity of 94 patrons, a maximum capacity of 340 patrons for entertainment events and 565 square feet of retail space at the 8,960 square foot commercial building; including a joint use parking agreement for required parking spaces to be located on the adjacent property. The grounds for the appeal are that the project does not comply with various sections of the Malibu Municipal Code and the General Plan.

APPELLANTS:	Robert J. Allan and Klaus Obermeyer
APPEAL FILED:	September 16, 2010
APPLICATION FILING DATE:	December 3, 2009
APPLICANT:	SKA Group, LLC
APPLICANT REPRESENTATIVE:	Elizabeth Peterson
LOCATION:	22969 Pacific Coast Highway
APN:	4452-019-004
CITY PLANNER:	Stephanie Danner, Senior Planner 456-2489, ext. 276

FILE

Pursuant to the authority and criteria contained in CEQA, the Planning Commission analyzed the proposal as described above, and has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and therefore, shall be exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION was prepared pursuant to CEQA Guidelines Section 15301 – Existing Facilities. The Planning Commission further found that there is no evidence in the record to suggest that any of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

A written staff report will be available at or before the hearing. Following an oral staff report at the beginning of the hearing, the applicant and appellants may be given up to 15 minutes to make a presentation. Any amount of that time may be saved for rebuttal. All other persons wishing to address the Council will be provided three minutes to address the Council. These time limits may be changed at the discretion of the Council. At the conclusion of the testimony, the Council will deliberate and its decision will be memorialized in a written resolution.

Copies of all related documents, including the grounds for appeal, are available for review at City Hall during regular business hours. Written comments may be presented to the City Council at any time prior to the close of the public hearing.

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.

If there are any questions regarding this notice, please contact Stephanie Danner, Senior Planner, at (310) 456-2489, ext. 276.

Joyce Parker-Bozylinski, AICP, Planning Manager

Publish Date: October 28, 2010

Commission Agenda Report

Planning Commission Meeting 09-07-10 **Item 5.A.**

To: Chair Mazza and Members of the Planning Commission

Prepared by: Stephanie Danner, Senior Planner

Reviewed by: Joyce Parker-Bozylinski, AICP, Planning Manager

Approved by: Victor Peterson, Community Development Director

Date prepared: August 26, 2010 Meeting date: September 7, 2010

Subject: Conditional Use Permit No. 09-009 and Joint Use Parking Agreement No. 10-001 – An application for a conditional use permit to permit the Malibu Inn restaurant with live entertainment which will serve liquor, operate between the hours of 7:00 a.m. and 2:00 a.m., and have a maximum restaurant seating capacity of 94 patrons, a maximum capacity of 340 patrons for entertainment events and 565 square feet of retail space at the 8,960 square foot commercial building (Continued from August 3, 2010)

Application Filing Date:	December 3, 2009
Applicant:	Elizabeth Peterson
Property Owner:	ASK Group, LLC
Location:	22969 Pacific Coast Highway
APN:	4452-019-004
Zoning:	Commercial Visitor Serving - 1 (CV-1)

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 10-79 (Attachment 1) approving Conditional Use Permit (CUP) No. 09-009 and Joint Use Parking Agreement (JUPA) No. 10-001 to permit the Malibu Inn restaurant with live entertainment which will serve liquor, operate between the hours of 7:00 a.m. and 2:00 a.m., and have a maximum restaurant seating capacity of 94 patrons, a maximum capacity of 340 patrons for entertainment events and 565 square feet of retail space at the 8,960 square foot commercial building in the CV-1 zoning district located at 22969 Pacific Coast Highway (PCH) (Attachment 2).

DISCUSSION: This item was continued from the August 3, 2010 Planning Commission meeting. All correspondence that was received to date is included as Attachment 10. In addition, new conditions of approval have been added to Planning Commission

Resolution No. 10-79 to address some of the concerns raised in the correspondence. Pursuant to Malibu Municipal Code (M.M.C.) Chapter 17.66, the applicant is requesting that the City approve a CUP application for the use of the restaurant to include dinner service, distilled liquor service and live entertainment with dancing. The Malibu Inn has been operating at the subject property since the 1950s as a restaurant and entertainment venue that serves both members of the community as well as visitors to the City of Malibu.

At the end of 2008, the property owner shuttered the restaurant. In May 2009, the restaurant was reopened for breakfast and lunch service only. At that time, the property owner was advised that since the Malibu Inn did not have a valid CUP, a new permit would be necessary to reassume the other aspects of the use including liquor service and entertainment events pursuant to M.M.C. Section 17.60.040 – Non-Conforming Uses. This section states: "uses which were lawfully established prior to March 26, 1993, and which are no longer permitted or which require a discretionary permit...may be continuously maintained, subject to the provisions of this section. Uses...which are discontinued shall not be resumed. Discontinuance occurs where the use has ceased operating for a period of 180 days...or where the structure used for the use has been removed or destroyed."

Currently the restaurant is only permitted to serve breakfast and lunch because that aspect of the use did not cease for more than 180 days. The breakfast and lunch service was determined to be a legal non-conforming use of the site. A legal non-conforming use is also referred to as being "grandfathered". However, since the other aspects of the use did cease for more than 180 days, they could not resume without first obtaining a CUP from the City.

Project Chronology / History

The building which houses the Malibu Inn was constructed in 1950 and the adjacent lot has historically provided parking. The use has operated under multiple owners for more than 50 years at the current location.

On June 3, 2008, Over the Counter Permit (OC) No. 08-102 was issued to re-open the 565 square foot retail space for the tenant Sabotage.

Due to a change in ownership of the subject property, the business closed in December 2008 and the restaurant and entertainment venue use ceased.

On May 26, 2009, breakfast and lunch service at the restaurant resumed.

On December 3, 2009, the subject application was submitted to the Planning Division by Elizabeth Peterson. The application was routed to the City Environmental Health Administrator, the Los Angeles County Fire Department (LACFD) and the Los Angeles County Sheriff's Department for review (Attachment 3).

On January 12, 2010, a Courtesy Notice of Proposed Project was mailed to all property owners and occupants within a 500 foot radius of the subject property.

On May 26, 2010, the application was deemed complete for processing.

On July 8, 2010, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500 foot radius of the subject property.

On August 3, 2010, at the request of the applicant, the public hearing was continued to the September 7, 2010 Regular Planning Commission meeting.

Surrounding Land Use and Setting

The subject property is located north of PCH, north of the Pacific Ocean and Malibu Pier, in a commercially developed neighborhood. Commercial properties occupy adjacent properties to the south and west. A vacant commercial property, owned by the same owner as the subject property, currently containing a parking lot is located immediately to the east. A steep hill is located immediately adjacent to the northern property line, atop which are residentially zoned parcels and two large residences, the closest of which is approximately 200 feet away. A public parking lot which serves the adjacent Malibu Pier is sited south of the subject property and south of PCH. In addition, there is a small grouping of seven beachfront residences located adjacent to the Pier, across PCH to the southwest.

The subject property is approximately 29,621 square feet in size and is rectangular in shape. The site contains an existing 8,960 square foot building that is one story in height, with the exception of a small 220 square foot dressing room located above the restroom area. Refer to Attachments 4 and 5 for site photos and the as-built floor plan. The building currently has five restrooms, two which serve the main service area, one which is located on the upper level in the dressing room and two which are located adjacent to the retail space. The space also includes a large bar, a stage and dance floor area and a billiards room. The total service area proposed for the use equals 2,474 square feet and includes: a 1,184 square foot interior service area, a 751 square foot service area on the outdoor patio which includes a bar located on the western side of the property and a 539 square foot service area in the banquet room located adjacent to the retail space (Attachment 6). Finally, a 565 square foot retail space is located at the eastern portion of the building and takes direct access from the parking lot.

There is an outdoor patio located at the western side of the property, which was not a part of the original building. However, the retaining wall, along the hillside at the rear of the property, which creates the area for the patio, was done without the benefit of permits. As a condition of approval, the applicant is required to acquire an after-the-fact building permit for the unpermitted retaining wall. The hardscape and associated garden wall separating the patio from the parking lot do not require building permits. The

service area that exists on the patio (a total of 751 square feet) requires the provision of additional parking spaces, which is discussed in detail in this report.

A total of 20 full size parking spaces plus two Americans with Disabilities Act (ADA) parking spaces are provided onsite. There are two driveway curb cuts which provide access to the property off of PCH and there is a traffic signal and cross walk immediately south of the property, which provides safe access across the highway to the Pier and the adjacent public parking lot. Finally, a large pole sign is located at the middle of the front property line adjacent to PCH and a second pole sign is located at the eastern property line.

The existing onsite wastewater treatment system (OWTS) includes two septic tanks, three separate leachfield areas and two seepage pits. In addition, the 100 percent future expansion area, dedicated should the existing leachfields fail, is located on the adjacent property (APN 4452-019-005) and is linked to the subject property via a recorded covenant.

Project Description

The applicant currently operates an existing restaurant which serves breakfast and lunch and wishes to expand the use to include dinner service, distilled liquor service and live entertainment with dancing. In order to accomplish the project goal to restore the previously existing use at the Malibu Inn, a CUP is required. Furthermore, due to the requirement that the restaurant / bar / live entertainment use provide parking spaces that cannot be accommodated onsite, a Joint Use Parking Agreement (JUPA No. 10-001) is required to provide the required parking on the adjacent vacant property at 22959 PCH.

Tenant Improvements

The existing service area on the property totals 2,474 square feet (1,184 square foot interior service area, a 751 square foot service area on the outdoor patio which includes a bar and a 539 square foot service area in the banquet room). The service area will not change as a result of the proposed project. Additionally, no new square footage or exterior improvements are included in the application and only minor renovations to the interior of the existing commercial building are proposed. Specific interior improvements to the commercial space include: replacing existing flooring, refinishing the bars, upgrading televisions, changing furniture and lighting fixtures, replacing windows with double pane soundproof glass; while keeping a uniform wainscot and rustic wooden theme throughout.

Onsite Wastewater Treatment System

Ensitu Engineering Inc. completed an analysis of wastewater generation for the proposed use (Pg. 1/6 of the April 28, 2010 report included as Attachment 7). The following table shows the estimated flow rate for the proposed use.

Table 1 – Malibu Inn Restaurant / Entertainment / Retail Flow Calcs		
94 restaurant seats	50 gpd* / seat	4,700 gpd
340 entertainment patrons	5 gpd / person	1,700 gpd
565 square foot retail space	1 gpd / 10 sq ft of floor space	57 gpd
2 retail employees	20 gpd / employee	40 gpd
Total Bar / Restaurant Flow		6,497 gpd

*gpd = gallons per day

Ensitu also completed a comprehensive review, including in-the-field testing of the property's existing OWTS in relation to the level of use depicted in Table 1 and determined the following:

1. The existing grease interceptor capacity is sized to accommodate a full day's flow, rather than the code required minimum;
2. The site is currently served by two 3,000 gallon septic tanks (providing storage for 6,000 gallons total), which meet the required septic tank capacity of 5,998 gallons;
3. The absorption area of the existing leachfields is 3,360 square feet and the existing seepage pits will be abandoned. The existing leachfield size exceeds the minimum required effective absorption area which is 3,187 square feet; and
4. The OWTS is acceptable for the use proposed.

The City Environmental Health Administrator has reviewed the April 2010 Ensitu Report and has approved the project as proposed. Conditions of approval have been incorporated in Planning Commission Resolution No. 10-79, which reflect the recommendations of the reports and ensure that the wastewater generated by the proposed use is managed.

Hours of Operation

The proposed hours of operation are seven days a week from 7:00 am to 2:00 a.m. The previous hours of operation were seven days a week from 8:00 a.m. to 2:00 a.m.

Daily Operations

A full menu will be served during all hours of operation, including breakfast, brunch, lunch and dinner offerings. Breakfast and lunch items will be sold throughout the day until close. On days featuring live music, dinner will continue to be served as normal and the kitchen will be open until 2:00 a.m.

The applicant has provided information regarding employees of the Malibu Inn. Mondays through Thursdays, there will be approximately 15 people on staff (including wait staff, bartenders, front of house staff and kitchen staff) throughout the course of each day. On Fridays through Sundays, there will be approximately 24 people on staff throughout the course of each day.

Deliveries are planned for Mondays, Wednesdays and Fridays every week. All deliveries are scheduled between 8:00 a.m. and 11:00 a.m. on those days.

Service Area

The capacity of the existing OWTS, dictates the total number of patrons that may visit the Malibu Inn per day. At current design flow rates, the applicant is permitted a maximum restaurant seating capacity of 94 people in the interior and exterior seating areas.[1] The rest of the tenant space is planned for a food preparation and employee area, as well as restrooms. As stated previously, the existing service area on the property, totaling 2,474 square feet, will not change as a result of the proposed project.

Liquor & Entertainment Licenses

The applicant has applied to the California Department of Alcoholic Beverage Control (ABC) for a Type 47 license which permits the sale of beer, wine and distilled spirits for consumption on the licenses premises (Attachment 8). The license holder must operate and maintain the premises as a bona fide eating place, they must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on premises that hold this type of license. The ABC will not issue the license until the applicant has obtained an approved CUP from the City.

In addition, the applicant has also applied for an Entertainment License from the Los Angeles County Sheriff's Department to permit dancing and live entertainment. The Sheriff's Department will only hear the proposal after it receives confirmation that the City has issued the CUP. A condition of approval has been included in Planning Commission Resolution No. 10-79 which requires that the property owner submit copies of these licenses to the Planning Division when they are obtained.

Live Entertainment

The applicant has estimated that the live entertainment schedule will be apportioned as follows:

1. Approximately eight small live entertainment events per month (2 times a week = 96/365 days of the year = 26 percent)
2. Approximately two large live entertainment events[2] per month (24/365 days of the year = 6.5 percent)

Conditions of approval have been added to Planning Commission Resolution No. 10-79 which: 1) prohibits live entertainment outside on the patio; 2) prohibits unnecessary and

[1] The LACFD reviewed the proposed CUP and set max building capacity for both the restaurant use (95 patrons) and standing room use (340 patrons). Because the capacity set by the size of the existing OWTS is more restrictive, that standard will rule.
[2] A large event is categorized as having 100 or more attendees.

boisterous noise from the patio between the hours of 10:00 p.m. and 7:00 a.m.; 3) requires that noise emanating from the premises shall not be plainly audible at a distance of five feet of any residential dwelling unit during those hours, as required by M.M.C. Section 8.24.050(L); and 4) requires that security personnel be present onsite daily from 9:00 p.m. to closing to ensure that noisy patrons leaving the establishment will not adversely affect the welfare of neighborhood residents.

Signs

No change to the existing signage is proposed. Current signage onsite consists of a free-standing, 50 square foot, 30 foot high pole sign and a second 20 square foot, 20 foot high free-standing pole sign. Both of the existing pole signs are non-conforming with regards to existing regulations set forth in M.M.C. Section 17.52 – Signs. M.M.C. Section 17.52.080(D) discusses removal of non-conforming signs. However, this section does not apply to an existing business which continues to conduct the same business on the same premises. In addition, there is a tenant identification sign and a sign for the previously existing retail tenant, Sabotage, which was approved under Sign Permit No. 08-014, on the south-facing building façade. Any future proposed changes to the existing signs would require review for the requirements set forth in M.M.C. Section 17.52.

CUP ANALYSIS

Pursuant to M.M.C. Section 17.26.030(A), conditionally permitted uses in the CV-1 zone include all conditionally permitted uses in the Community Commercial (CC) zone. In the CC zone, subject to the approval of a CUP, M.M.C. Section 17.24.040 (B-D) allows for: 1) restaurants, exceeding a maximum interior occupancy of 125; 2) bars; and 3) live entertainment.

Pursuant to M.M.C. Section 17.48.030(G), the parking requirements for "restaurants, nightclubs, bars and similar establishments for the sale and consumption of food and beverages on the premises" are one space for each 50 square feet of service area. The proposed use, which includes dinner service, distilled liquor service and live entertainment with dancing does not change the existing service area square footage that currently exists on the property. In addition, the parking requirement for "general retail stores" is one space for each 225 square feet of gross floor area.

The Malibu Inn has 2,474 square feet of interior and exterior service area and will need to provide 50 parking spaces (one parking space for each 50 square feet of service area). Additionally, the 565 square foot retail space requires an additional three parking spaces. The total required parking for the Malibu Inn is 53 spaces. Currently, the existing parking lot configuration is composed of 20 standard size parking spaces plus two ADA accessible parking spaces, for a total of 22 spaces. No change to the onsite parking lot is proposed under the subject application and there is no physical way that the parking lot could be reconfigured to accommodate the required parking. Therefore,

consistent with past operational practices at the Malibu Inn, the applicant will provide the 31 remaining spaces on the adjacent property via a joint use agreement as forth in M.M.C. 17.48.040.

The adjacent property, immediately east, 22959 PCH is owned by the same property owner as the Malibu Inn. This property has historically provided parking for the Malibu Inn as the properties have direct access to one another. The property at 22959 PCH consists of a parking lot but is otherwise undeveloped. There is a covenant recorded between 22969 and 22959 PCH which dedicates a portion of 22959 PCH to serve as a wastewater treatment dispersal area for the Malibu Inn.

The parking lot currently provides approximately 50 parking spaces (19 spaces in excess of the required parking). Allowing the required parking to be located on the adjacent parcel conforms to the parking development standard which mandates that required parking be located within 300 feet of the use it serves (Attachment 9).

Although not required, the property owner also proposes a valet parking plan which will park any overflow cars for larger scheduled events at a second property that he owns located at 22761 PCH, which is located approximately 1,700 feet east of the subject property. The garage at 22761 PCH can accommodate a total of 96 vehicles and although not required, will supplement the 53 total parking spaces required for the use. As a condition of approval, the property owner must notify the City and the Los Angeles County Sheriff's Department no less than three days prior to a large entertainment event.

In November 2009, CDP No. 09-067 was submitted for 22959 PCH and proposes to construct a new commercial building (retail / office) and includes the provision for a joint use parking agreement. The CDP application is in the initial stages of planning review and is not expected to be approved in the near future. However, the new commercial building design will be required to incorporate the required parking for any proposed office / retail use as well as maintain the 31 required spaces for the Malibu Inn.

Finally, in addition to the parking spaces designated under the joint use parking agreement, there is also a public parking lot to the immediate south along PCH and there is public parking available along both sides of the PCH right-of-way. While these parking areas cannot be counted towards the overall parking spaces required, they may be utilized by patrons of the larger entertainment events. For the most part, these events are expected to take place at night and would not displace any public coastal access parking.

Existing utilities serve the site. There are no plans to alter or add to the exterior of the existing structure associated with this project. The proposed minor interior tenant improvements comply with M.M.C. standards. The City of Malibu Environmental and Building Safety Division will review all remodel plans/tenant improvements as part of the issuance of a building permit.

In the past, there have been noise complaints regarding the operation of the Malibu Inn. These complaints are detailed in correspondence included with this report as Attachment 10. To address these concerns conditions of approval have been added to Planning Commission Resolution No. 10-79. These conditions include: prohibiting live entertainment and amplified music on the exterior patio; prohibiting unnecessary and boisterous noise from the patio between the hours of 10:00 p.m. and 7:00 a.m.; requiring security personnel onsite nightly after 9:00 p.m. to control loitering on the property and / or noisy patrons.

Conditional Use Permit Findings (M.M.C. Section 17.66.080)

The applicant is requesting a CUP to allow the reopening of a previously operating restaurant and entertainment venue with outdoor seating and a distilled alcohol liquor license. Pursuant to M.M.C. Section 17.66.080, the Planning Commission may approve, deny and/or modify an application for a CUP in whole or in part, with or without conditions, provided that it makes all of the following findings of fact. The CUP 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.

A restaurant with an interior capacity in excess of 125 people, a nightclub and a bar are all conditionally permitted uses in the CV-1 zoning district. The existing commercial structure includes a total interior square footage of 8,960 square feet, with a service area that totals 2,474 square feet (comprised of 1,184 square foot interior service area which includes the bar, a 751 square foot service area on the outdoor patio which includes a bar and a 539 square foot service area in the banquet room). The project has been conditioned to comply with all applicable provisions of the M.M.C.

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

The proposed use is a commercial use on commercially zoned property and therefore, would not impair the integrity and character of the CV-1 zoning district. The Malibu Inn has occupied the subject property for several decades and is located within a long strip of commercial properties located on the landward side of PCH, east of the Pier. Furthermore, the proposed project will conditionally permit the previously operating restaurant and therefore is not anticipated to result in a change from the existing conditions within the zoning district. Finally, the Inn previously had ABC Liquor and Entertainment Licenses and operated as a restaurant with a bar and live entertainment.

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

The project site contains existing commercial development. The proposed tenant improvements consist of a minor interior remodel only and no exterior changes are included in the project scope. The business has operated on the subject property since the 1950s. A total of 53 parking spaces are required for the proposed use. There are 22 parking spaces onsite and a the property owner agreed to a joint use parking agreement to provide for the remaining 31 spaces to be located on the adjacent property that he also owns. The parking spaces will be provided for the use of the patrons and employees of the Malibu Inn. Therefore, the site is physically suitable for the use being proposed.

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

The Malibu Inn has operated at the subject property since the 1950s. It closed briefly at the end of 2008 due to the sale of the property. The property is surrounded by both commercial, open space and residential uses. There is a mix of commercial, office and retail uses in the immediate vicinity of the site. There are very few residences located within close proximity to the subject property.

The property owner has agreed to a condition of approval which will prohibit live entertainment on the exterior patio. In addition, further conditions of approval which limit noise from the patio have been included for this project in compliance with the M.M.C. Noise Ordinance. Furthermore, conditions of approval have been included to require that the property owner notify the City Code Enforcement Officer and the Los Angeles County Sheriff's Department no less than three days prior to a large entertainment event (defined as any event with 100 or more persons in attendance) and to provide security personnel onsite seven days a week from 9:00 p.m. to closing to ensure that noisy and rowdy patrons leaving the establishment will not adversely affect the welfare of neighborhood residents. Therefore, this proposed use is compatible with the land uses in the surrounding neighborhood.

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 use is compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located in that the surrounding land uses are comprised of a wide range of commercial uses including restaurants, retail uses, medical and professional offices, as well as public open space to the south. The only vacant property in the immediate vicinity (22959 PCH) is owned by the subject property owner and is zoned for commercial 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.

Existing utilities will serve the proposed project. The Los Angeles County Fire Department (LACFD) reviewed the CUP and issued a conditional approval on February 18, 2010. Some of the conditions require that applicant test existing fire hydrants and submit plans to the Fire Prevention Engineering Department. In addition, the City Environmental Health Administrator reviewed the CUP and determined that the existing OWTS is adequate for the proposed use. As conditioned, the proposed conditional use permit would limit the hours of operation from 7:00 a.m. to 2:00 a.m. daily. No changes to the exterior of the existing structure are proposed, so no impacts to solar access or public or private views will occur.

The proposed project will not create any shade or shadow impacts that would impede solar access. The existing commercial structure at 22969 PCH will not change under this application, and therefore, will not adversely impact existing public and private views.

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

No change to the site or circulation plan for the existing commercial property is proposed by this CUP. Upon completion of the construction of the commercial building on the adjacent parcel to the east, parking will be accommodated in accordance with the joint use parking agreement. The proposed use will have adequate parking for public access and will not obstruct public traffic circulation. It is anticipated that the reopening of the previously existing use would not substantially impact public access or circulation.

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

The use is a conditionally permitted commercial use in the CV-1 zoning district. The General Plan defines the CV zone as providing for visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Visitor serving uses 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.

The proposed project meets the goals of the following land use policies of the General Plan:

LU Policy 3.1.1: The City shall ensure visitor serving and recreational uses are compatible with the natural resources and aesthetic values of the area.

LU Policy 3.2.1: The City shall permit the development of commercial recreational and visitor servicing facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient

parking and, when feasible, are located where existing low cost recreational uses will be enhanced.

LU Policy 4.4.1: The City shall encourage establishment and continued operation of small neighborhood and community serving businesses.

As such, the proposed project, as conditioned, is consistent with goals, objectives and policies of the General Plan.

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

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 Los Angeles County Sheriff's Department.

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

The proposed project will reopen a previously existing restaurant and bar that provides live entertainment, which is a conditionally permitted use in a commercial zone. As stated in Finding 6, the LACFD has conditionally approved the CUP and set maximum occupancy for both dining and live entertainment events. In addition, the Los Angeles County Sheriff's Department issued a conditional approval of the CUP on May 13, 2010, specifically requiring that the property owner notify the department of all planned entertainment events. A condition has been added to Planning Commission Resolution No. 10-79 which requires that the property owner notify the City Code Enforcement Officer and the Los Angeles County Sheriff's Department no less than three days prior to a large entertainment event (defined as any event with 100 or more persons in attendance). Finally, the report generated in conjunction with the ABC application indicates that the property owner has not been subject to any disciplinary infractions in the past with regard to a liquor license. 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.

The project will not be at risk from earth movement and flood hazards since the application only involves reopening a previously existing use within the existing commercial structure. The building footprint and envelope will not change; therefore, there is no new impact related to earth movement, flooding or liquefaction.

Joint Use Parking Agreement (M.M.C. Section 17.48.040)

As stated in M.M.C. Section 17.48.050(A)(1), the Planning Commission may approve parking on a separate lot, via a Joint Use Parking Agreement, under the following conditions. The agreement will be between 22969 PCH and 22959 PCH, which are under common ownership. A deed restriction shall be recorded on the title of each property reflecting the permanent reciprocal parking agreement.

A. Up to one-half of the parking facilities required for a primarily daytime use may be used to meet the requirements of a primarily nighttime use and up to one-half of the parking facilities required for a primarily nighttime use may be used to meet the requirements of a primarily daytime use; provided, that such reciprocal parking arrangement shall comply with subsection C of this section.

The proposed hours of operation for the subject use are from 7:00 am to 2:00 a.m. The adjacent property at 22959 PCH is undeveloped with the exception of the parking lot historically used to provide parking for the Malibu Inn. However, an application (CDP No. 09-67) for a commercial building for that site has been submitted to the Planning Division. The new commercial building design will incorporate the required parking for any proposed office / retail use as well as maintain the required parking for the Malibu Inn pursuant to the joint use parking agreement.

Although the commercial building is not expected to be approved in the near future, staff has anticipated parking impacts during the course of construction and provided conditions of approval to maintain required parking. Parking displaced during construction would be temporarily relocated to the commercial / office building located at 22761 PCH since it is also owned by the same owner as the Malibu Inn.

Historically, the heaviest parking demand at the Malibu Inn is primarily evenings and weekends. Commercial development on the adjacent parcel is anticipated to be either office or retail with primarily daytime operating hours. In addition, the 31 spaces required for the Malibu Inn will be supplementary to the parking spaces required for the new commercial development, so the uses will not be in conflict. Therefore, the reciprocal parking arrangement will comply with subsection C.

B. The planning commission may reduce parking requirements for common parking facilities by up to 25 percent in shopping centers or other commercial areas where a parking lot with common access and joint use is provided.

The property owner has not requested to reduce the required parking spaces. The reciprocal parking agreement will provide additional parking spaces in excess of what is required for the proposed use.

C. The parties concerned shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use is proposed and

shall evidence agreement for such use by a proper legal instrument, to which the city is a party.

The subject property owner owns the subject property and the other commercial property involved in the joint use parking agreement. The subject property will operate from 7:00 a.m. to 2:00 a.m. daily, with live entertainment events primarily being held in the evenings. The other property is proposed to be office / retail uses with principal operating hours during the daytime. While the proposed use can change in the future, it is anticipated that there will be no substantial conflict in the principal operating hours for the two properties. Prior to the approval of any project on the adjacent lot, all code required parking will need to be provided. A legal agreement between the City and the property owner is required as a condition of approval. The agreement will contain requirements for an annual review by the Planning Manager with authority to modify the agreement as necessary to maintain onsite parking arrangements.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Division has analyzed the proposal as described above. The Planning Division has found that this project is listed among the classes of projects that have been determined to have a less than significant adverse effect on the environment and therefore, is exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared pursuant to CEQA Guidelines Section 15301 - Existing Facilities. The Planning Division has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

COASTAL DEVELOPMENT PERMIT EXEMPTION: Pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.4.3 — Other Improvements, a coastal development permit (CDP) exemption may be granted for improvements to an existing structure other than a single-family residence or a public works facility. The proposed change in use does not involve any of the classes of development which would require a CDP because it would not involve a risk of adverse environmental effect, adversely affect public access or involve a change in use contrary to the policies of the LIP. Therefore, CUP No. 09-009 is exempt from the requirement to obtain a CDP.

CORRESPONDENCE: To date, staff has received several public comments regarding this application which are included as Attachment 10.

PUBLIC NOTICE: Staff published a Notice of Public Hearing in the Malibu Surfside News on July 8, 2010 and mailed the notice to property owners and occupants within a 500 foot radius of the subject property (Attachment 11).

SUMMARY: The required CUP findings can be made. Further, the Planning Division's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report, staff is recommending approval of this project subject to the conditions of approval contained in Section 6 (Conditions of Approval) of Planning

Commission Resolution No. 10-79. The project has been reviewed and conditionally approved for conformance with the M.M.C. by staff and applicable County agencies.

ATTACHMENTS:

1. Planning Commission Resolution No. 10-79
2. Vicinity Map and Aerial Photograph
3. Departmental Review Sheets
4. Site Photographs
5. As-Built and Event Set-up Floor Plans
6. Service Area Plan
7. Ensitu Report dated April 28, 2010
8. California Department of Alcoholic Beverage Control License Application
9. Proposed Parking / Circulation / Valet Plans
10. Correspondence
11. Public Hearing / Mailing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 10-79

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU APPROVING CONDITIONAL USE PERMIT NO. 09-009 AND JOINT USE PARKING AGREEMENT NO. 10-001 TO PERMIT THE MALIBU INN RESTAURANT WITH LIVE ENTERTAINMENT WHICH WILL SERVE LIQUOR, OPERATE BETWEEN THE HOURS OF 7:00 A.M. AND 2:00 A.M., AND HAVE A MAXIMUM RESTAURANT SEATING CAPACITY OF 94 PATRONS, A MAXIMUM CAPACITY OF 340 PATRONS FOR ENTERTAINMENT EVENTS AND 565 SQUARE FEET OF RETAIL SPACE AT THE 8,960 SQUARE FOOT COMMERCIAL BUILDING IN THE COMMERCIAL VISITOR SERVING - 1 ZONING DISTRICT LOCATED AT 22969 PACIFIC COAST HIGHWAY (HAKIM)

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. The building which houses the Malibu Inn was constructed in 1950 and the adjacent lot has historically provided parking. The use has operated under multiple owners for more than 50 years at the current location.

B. On June 3, 2008, Over the Counter (OC) Permit No. 08-102 was issued to re-open the 565 square foot retail space as Sabotage.

C. Due to a change in ownership of the subject property, the business closed in December 2008 and the restaurant and entertainment venue use ceased.

D. On May 26, 2009, breakfast and lunch service at the restaurant resumed.

E. On December 3, 2009, the subject application was submitted to the Planning Division by Elizabeth Peterson. The application was routed to the City Environmental Health Administrator, the Los Angeles County Fire Department (LACFD) and the Los Angeles County Sheriff's Department for review.

F. On January 12, 2010, a Courtesy Notice of Proposed Project was mailed to all property owners and occupants within a 500 foot radius of the subject property.

G. On May 26, 2010, the application was deemed complete for processing.

H. On July 8, 2010, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500 foot radius of the subject property.

I. On August 3, 2010, at the applicant's request, the public hearing was continued to the

September 7, 2010 Regular Planning Commission meeting.

J. On September 7, 2010, 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. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposal as described above. The Planning Commission has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and therefore, shall be exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared and issued pursuant to CEQA Guidelines Section 15301 – Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines, Section 15300.2).

Section 3. Conditional Use Permit Approval and Findings.

The applicant currently operates an existing restaurant which serves breakfast and lunch and wishes to expand the use to include dinner service, distilled liquor service and live entertainment with dancing. In order to accomplish the project goal to restore the previously existing use at the Malibu Inn (22969 Pacific Coast Highway (PCH)), a conditional use permit (CUP) is required.

The existing service area on the property totals 2,474 square feet (1,184 square feet of interior space, 539 square feet in the banquet room and 751 square feet of exterior space on the patio). There is a 565 square foot retail space located at the eastern portion of the building. The service and retail areas will not change as a result of the proposed project. Additionally, no new square footage or exterior improvements are included in the application and only minor renovations to the interior of the existing commercial building are proposed. Specific interior improvements to the commercial space include: replacing existing flooring, refinishing the bars, upgrading televisions, changing furniture and lighting fixtures, replacing windows with double pane soundproof glass; while keeping a uniform wainscot and rustic wooden theme throughout.

The proposed hours of operation are seven days a week from 7:00 am to 2:00 a.m. The previous hours of operation were seven days a week from 8:00 a.m. to 2:00 a.m. A full menu will be served during all hours of operation, including breakfast, brunch, lunch and dinner offerings. Breakfast and lunch items will be sold throughout the day until close. On days featuring live music, dinner will continue to be served as normal and the kitchen will be open until 2:00 a.m.

The applicant has provided information regarding employees of the Malibu Inn. Mondays through Thursdays, there will be approximately 15 people on staff (including wait staff, bartenders, front of house staff and kitchen staff) throughout the course of each day. On Fridays through Sundays, there will be approximately 24 people on staff throughout the course of each day. All deliveries are scheduled between 8:00 a.m. and 11:00 a.m. on those days.
Ensitu Engineering Inc. completed an analysis of wastewater generation for the proposed use (Report

dated April 28, 2010). Ensitu also completed a comprehensive review, including in-the-field testing of the property's existing onsite wastewater treatment system (OWTS) in relation to the level of use and determined that the existing OWTS is acceptable for the use proposed. The City Environmental Health Administrator has reviewed the April 2010 Ensitu Report and has approved the project as proposed.

The capacity of the existing OWTS, dictates the total number of patrons that may visit the Malibu Inn per day. At current design flow rates, the applicant is permitted a maximum restaurant seating capacity of 94 people in the interior and exterior seating areas. The rest of the tenant space is planned for a food preparation and employee area, as well as restrooms. As stated previously, the existing service area on the property, totaling 2,474 square feet, will not change as a result of the proposed project.

The applicant has applied to the California Department of Alcoholic Beverage Control (ABC) for a Type 47 license which permits the sale of beer, wine and distilled spirits for consumption on the licenses premises. In addition, the applicant has also applied for an Entertainment License from the Los Angeles County Sheriff's Department to permit dancing and live entertainment.

The applicant has estimated that the live entertainment schedule will be apportioned as follows: approximately eight small live entertainment events per month and one large live entertainment event once every two months.

Parking Analysis

Pursuant to Malibu Municipal Code (M.M.C.) Section 17.48.030(G), the parking requirements for "restaurants, nightclubs, bars and similar establishments for the sale and consumption of food and beverages on the premises" are one space for each 50 square feet of service area. The proposed use, which includes dinner service, distilled liquor service and live entertainment with dancing does not change the existing service area square footage that currently exists on the property. In addition, the parking requirement for "general retail stores" is one space for each 225 square feet of gross floor area.

The Malibu Inn has 2,474 square feet of interior and exterior service area and will need to provide 50 parking spaces (one parking space for each 50 square feet of service area). Additionally, the 565 square foot retail space requires an additional three parking spaces. The total required parking for the Malibu Inn is 53 spaces. Currently, the existing parking lot configuration is composed of 20 standard size parking spaces plus two ADA accessible parking spaces, for a total of 22 spaces. No change to the onsite parking lot is proposed under the subject application and there is no physical way that the parking lot could be reconfigured to accommodate the required parking. Therefore, consistent with past operational practices at the Malibu Inn, the applicant will provide the 31 remaining spaces on the adjacent property via a joint use agreement as forth in M.M.C. 17.48.040.

The adjacent property, immediately east, 22959 PCH is owned by the same property owner as the Malibu Inn. This property has historically provided parking for the Malibu Inn as the properties have direct access to one another. The property at 22959 PCH consists of a parking lot but is otherwise undeveloped. There is a covenant recorded between 22969 and 22959 PCH which dedicates a portion of 22959 PCH to serve as a wastewater treatment dispersal area for the Malibu Inn.

The parking lot currently provides approximately 50 parking spaces (19 spaces in excess of the required parking). Allowing the required parking to be located on the adjacent parcel conforms to the parking development standard which mandates that required parking be located within 300 feet of the use it serves.

Although not required, the property owner also proposes a valet parking plan which will park any overflow cars for larger scheduled events at a second property that he owns located at 22761 PCH, which is located approximately 1,700 feet east of the subject property. The garage at 22761 PCH can accommodate a total of 96 vehicles and although not required, will supplement the 53 total parking spaces required for the use. As a condition of approval, the property owner must notify the City and the Los Angeles County Sheriff's Department no less than three days prior to a large entertainment event.

In November 2009, CDP No. 09-067 was submitted for 22959 PCH and proposes to construct a new commercial building (retail / office) and includes the provision for a joint use parking agreement. The CDP application is in the initial stages of planning review and is not expected to be approved in the near future. However, the new commercial building design will be required to incorporate the required parking for any proposed office / retail use as well as maintain the 31 required spaces for the Malibu Inn.

Finally, in addition to the parking spaces designated under the joint use parking agreement, there is also a public parking lot to the immediate south along PCH and there is public parking available along both sides of the PCH right-of-way. While these parking areas cannot be counted towards the overall parking spaces required, they may be utilized by patrons of the larger entertainment events. For the most part, these events are expected to take place at night and would not displace any public coastal access parking.

Findings

Pursuant to M.M.C. Section 17.66.080, the Planning Commission may approve, deny and/or modify an application for a CUP in whole or in part, with or without conditions, provided that it makes all of the following findings of fact. The CUP 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.

A restaurant with an interior capacity in excess of 125 people, a nightclub and a bar are all conditionally permitted uses in the CV-1 zoning district. The existing commercial structure includes a total interior square footage of 8,960 square feet, with a service area that totals 2,474 square feet (comprised of 1,184 square foot interior service area which includes the bar, a 751 square foot service area on the outdoor patio which includes a bar and a 539 square foot service area in the banquet room). The project has been conditioned to comply with all applicable provisions of the M.M.C.

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

The proposed use is a commercial use on commercially zoned property and therefore, would not impair the integrity and character of the CV-1 zoning district. The Malibu Inn has occupied the subject property for several decades and is located within a long strip of commercial properties located on the landward

side of PCH, east of the Pier. Furthermore, the proposed project will conditionally permit the previously operating restaurant and therefore is not anticipated to result in a change from the existing conditions within the zoning district. Finally, the use previously had ABC Liquor and Entertainment Licenses and operated as a restaurant with a bar and live entertainment.

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

The project site contains existing commercial development. The proposed tenant improvements consist of a minor interior remodel only and no exterior changes are included in the project scope. The business has operated on the subject property since the 1950s. A total of 53 parking spaces are required for the proposed use. There are 22 parking spaces that exist onsite and the property owner has agreed to a joint use parking agreement to provide for the remaining 31 spaces to be located on the adjacent property that he also owns. The parking spaces will be provided for the use of the patrons and employees of the Malibu Inn. Therefore, the site is physically suitable for the use being proposed.

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

The Malibu Inn has operated at the subject property since the 1950s. It closed briefly at the end of 2008 due to the sale of the property. The property is surrounded by both commercial, open space and residential uses. There is a mix of commercial, office and retail uses in the immediate vicinity of the site. There are very few residences located within close proximity to the subject property.

The property owner has agreed to a condition of approval which will prohibit live entertainment on the exterior patio. In addition, further conditions of approval which limit noise from the patio have been included for this project in compliance with the M.M.C. Noise Ordinance. Furthermore, conditions of approval have been included to require that the property owner notify the City Code Enforcement Officer and the Los Angeles County Sheriff's Department no less than three days prior to a large entertainment event (defined as any event with 100 or more persons in attendance) and to provide security personnel onsite seven days a week from 9:00 p.m. to closing to ensure that noisy and rowdy patrons leaving the establishment will not adversely affect the welfare of neighborhood residents. Therefore, this proposed use is compatible with the land uses in the surrounding neighborhood.

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 use is compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located in that the surrounding land uses are comprised of a wide range of commercial uses including restaurants, retail uses, medical and professional offices, as well as public open space to the south. The only vacant property in the immediate vicinity (22959 PCH) is owned by the subject property owner and is zoned for commercial 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.

Existing utilities will serve the proposed project. The Los Angeles County Fire Department (LACFD) reviewed the CUP and issued a conditional approval on February 18, 2010. Some of the conditions require that applicant test existing fire hydrants and submit plans to the Fire Prevention Engineering Department. In addition, the City Environmental Health Administrator reviewed the CUP and determined that the existing OWTS is adequate for the proposed use. As conditioned, the proposed conditional use permit would limit the hours of operation from 7:00 a.m. to 2:00 a.m. daily. No changes to the exterior of the existing structure are proposed, so no impacts to solar access or public or private views will occur.

The proposed project will not create any shade or shadow impacts that would impede solar access. The existing commercial structure at 22969 PCH will not change under this application, and therefore, will not adversely impact existing public and private views.

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

No change to the site or circulation plan for the existing commercial property is proposed by this CUP. Upon completion of the construction of the commercial building on the adjacent parcel to the east, parking will be accommodated in accordance with the joint use parking agreement. The proposed use will have adequate parking for public access and will not obstruct public traffic circulation. It is anticipated that the reopening of the previously existing use would not substantially impact public access or circulation.

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

The use is a conditionally permitted commercial use in the CV-1 zoning district. The General Plan defines the CV zone as providing for visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Visitor serving uses 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.

The proposed project meets the goals of the following land use policies of the General Plan:

LU Policy 3.1.1:	The City shall ensure visitor serving and recreational uses are compatible with the natural resources and aesthetic values of the area.
LU Policy 3.2.1:	The City shall permit the development of commercial recreational and visitor servicing facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking and, when feasible, are located where existing low cost recreational uses will be enhanced.
LU Policy 4.4.1:	The City shall encourage establishment and continued operation of small neighborhood and community serving businesses.

As such, the proposed project, as conditioned, is consistent with goals, objectives and policies of the General Plan.

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

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 Los Angeles County Sheriff's Department.

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

The proposed project will reopen a previously existing restaurant and bar that provides live entertainment, which is a conditionally permitted use in a commercial zone. As stated in Finding 6, the LACFD has conditionally approved the CUP and set maximum occupancy for both dining and live entertainment events. In addition, the Los Angeles County Sheriff's Department issued a conditional approval of the CUP on May 13, 2010, specifically requiring that the property owner notify the department of all planned entertainment events. A condition has been added to Planning Commission Resolution No. 10-79 which requires that the property owner notify the City Code Enforcement Officer and the Los Angeles County Sheriff's Department no less than three days prior to a large entertainment event (defined as any event with 100 or more persons in attendance). Finally, the report generated in conjunction with the ABC application indicates that the property owner has not been subject to any disciplinary infractions in the past with regard to a liquor license. 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.

The project will not be at risk from earth movement and flood hazards since the application only involves reopening a previously existing use within the existing commercial structure. The building footprint and envelope will not change; therefore, there is no new impact related to earth movement, flooding or liquefaction.

Section 4. Joint Use Parking Agreement Approval.

As stated in M.M.C. Section 17.48.050(A)(1), the Planning Commission may approve parking on a separate lot, via a Joint Use Parking Agreement, under the following conditions. The agreement will be between 22959 PCH and 22969, which are under common ownership. A deed restriction shall be recorded on the title of each property reflecting the permanent reciprocal parking agreement.

A. Up to one-half of the parking facilities required for a primarily daytime use may be used to meet the requirements of a primarily nighttime use and up to one-half of the parking facilities required for a primarily nighttime use may be used to meet the requirements of a primarily daytime use; provided, that such reciprocal parking arrangement shall comply with subsection C of this section.

The proposed hours of operation for the subject use are from 7:00 am to 2:00 a.m. The adjacent property at 22959 PCH is undeveloped with the exception of the parking lot historically used to provide parking for the Malibu Inn. However, an application (CDP No. 09-67) for a commercial building for that site has been submitted to the Planning Division. The new commercial building design will incorporate the required parking for any proposed office / retail use as well as maintain the required parking for the Malibu Inn pursuant to the joint use parking agreement.

Although the commercial building is not expected to be approved in the near future, staff has anticipated parking impacts during the course of construction and provided conditions of approval to maintain required parking. Parking displaced during construction would be temporarily relocated to the commercial / office building located at 22761 PCH since it is also owned by the same owner as the Malibu Inn.

Historically, the heaviest parking demand at the Malibu Inn is primarily evenings and weekends. Commercial development on the adjacent parcel is anticipated to be either office or retail with primarily daytime operating hours. In addition, the 31 spaces required for the Malibu Inn will be supplementary to the parking spaces required for the new commercial development, so the uses will not be in conflict. Therefore, the reciprocal parking arrangement will comply with subsection C.

B. The planning commission may reduce parking requirements for common parking facilities by up to 25 percent in shopping centers or other commercial areas where a parking lot with common access and joint use is provided.

The property owner has not requested to reduce the required parking spaces. The reciprocal parking agreement will provide additional parking spaces in excess of what is required for the proposed use.

C. The parties concerned shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use is proposed and shall evidence agreement for such use by a proper legal instrument, to which the city is a party.

The subject property owner owns the subject property and the other commercial property involved in the joint use parking agreement. The subject property will operate from 7:00 a.m. to 2:00 a.m. daily, with live entertainment events primarily being held in the evenings. The other property is proposed to be office / retail uses with principal operating hours during the daytime. There will be no substantial conflict in the principal operating hours for the two properties. Prior to the approval of any project on the adjacent lot, all code required parking will need to be provided. A legal agreement between the City and the property owner is required as a condition of approval. The agreement will contain requirements for an annual review by the Planning Manager with authority to modify the agreement as necessary to maintain onsite parking arrangements.

Section 5. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves Conditional Use Permit No. 09-009 and Joint Use Parking Agreement No. 10-001, subject to the conditions listed below.

Section 6. Conditions of Approval.

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

2. This approval is to allow for the following:
   a. Operation of a restaurant with live entertainment;
   b. Maximum dining seating capacity of 94 patrons and maximum event capacity of 340 patrons;
   c. Service of distilled liquor;
   d. Interior improvements including:
      i. Replacing existing flooring,
      ii. Refinishing the bars,
      iii. Upgrading televisions,
      iv. Changing furniture and lighting fixtures, and
      v. Replacing windows with double pane soundproof glass; and
   e. Joint use parking agreement between properties addressed as 22959 PCH and 22969 PCH.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Division. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to Local Coastal Program (LCP) Local Implementation Plan (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 Division within 10 days of this decision and prior to issuance of any development permits.

5. This conditional use permit shall be reviewed on a semi-annual basis for the first year, and then on an annual basis thereafter. At this time, the property owner shall provide evidence that the joint use parking agreement is still in effect. At least two weeks prior to the review date, the applicant shall pay the Planning staff site inspection fee in effect at the time of request for site inspection. A staff planner will conduct a site visit to verify compliance with the provisions set forth in this resolution. If necessary, the conditional use permit may be brought back to the Planning Commission for additional conditions to mitigate and/or prevent nuisances that were identified. Possible mitigation measures can include:
   a. Modifying the hours of operation;
   b. Restricting alcohol service;
   c. Hiring additional security personnel;
   d. Prohibiting music;
   e. Installing noise mitigating measures / devices; or

f. Other measures deemed necessary by the Planning Commission.

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

7. All interior tenant improvements shall conform to requirements of the City of Malibu Environmental and Building Safety Division, City Environmental Health Administrator and City Public Works Department, as applicable. Notwithstanding this review, all required permits shall be secured.

8. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Manager, provided such changes achieve substantially the same results and the project is still in compliance with the M.M.C. Revised plans reflecting the minor changes and additional fees shall be required.

Fire Department

9. All applicable requirements of the Los Angeles County Fire Department Land Development Unit – Fire Prevention Division set forth in the review sheet dated February 18, 2010 shall apply.

Environmental Health

10. Except as specifically required by the conditions of approval, no renovation of the septic tank and drainfield system is required. The City Environmental Health Administrator's approval dated May 13, 2010, does not represent an expansion, modification or change in the type or intensity of use of the existing onsite wastewater treatment system.

11. The piping connections between the grease interceptor, septic tanks and distribution boxes shall be brought into conformance with the Malibu Plumbing Code (MPC). Prior to the authorization to operate the restaurant during dinner and/or nightclub hours, a piping plan shall be submitted for review and approval, and a final construction permit shall be submitted to the Environmental Health Administrator.

12. The subject Environmental Health approval pertains only to the use of the premises not to exceed 94 restaurant seats, 340 nightclub patrons and 565 square feet of retail spaces.

Sheriff's Department

13. The property owner shall be required to notify the Sheriff's Department (Malibu / Lost Hills Station) and the City of Malibu of any live entertainment event scheduled to take place within the Malibu Inn, especially pertaining to live bands no less than three days prior to the event. If the property owner books a larger event (in excess of 100 attendees), he shall contact the Sheriff's Department to discuss potential requirements for contracting for a law enforcement presence to handle any crowd and traffic control. Additionally, the plan shall include a contact phone number of an individual who will be available during entertainment events to address complaints.

Joint Use Parking Agreement

14. The property at 22959 PCH shall serve as a donor site for no less than 31 parking spaces for the subject property at 22969 PCH. A legal agreement (Joint Use and Common Parking Facilities Agreement) between the City and the property shall be required. The agreement shall contain requirements for an annual review by the City Planning Manager with authority to modify the agreement as necessary to maintain onsite parking arrangements. A deed restriction shall be recorded on the title of each property reflecting the permanent reciprocal parking agreement.

15. An amendment to the conditions set forth in this CUP shall be required if there is a proposed change to the joint use parking agreement.

Operations

16. The approved hours of operation are from 7:00 am to 2:00 a.m., seven days per week. Complete closure and all employees must vacate the premises no more than one hour after closing, daily. No after hours operation shall be permitted.

17. A maximum of 94 seats for dining are approved under this permit. The maximum interior and exterior occupancy for entertainment events is 340 patrons.

18. No exterior activity such as trash disposal, recycling pickup, delivery trucks or exterior maintenance is permitted onsite between the hours of 10:00 p.m. and 7:00 a.m. Additionally, bottles and glass containers shall not be emptied into outdoor trash or recycling bins between 10:00 p.m. and 7:00 a.m.

19. This CUP permits the sale of distilled spirits as well as beer and wine with a Type 47 License. The property owner / operator shall obtain all necessary approvals from the California Department of Alcohol Beverage Control. Once obtained, the applicant is required to provide to the Planning Division a copy of the ABC issued On-Premise Consumption License.

20. Prior to the start of employment, employees that serve alcohol shall undergo an alcohol training program such as TIPS (Training for Intervention Procedures), designed to prevent intoxication, underage drinking and drunk driving. Evidence of completion of this training shall be submitted to the Planning Division.

21. This CUP permits live entertainment and dancing. Once obtained, the applicant is required to provide to the Planning Division a copy of the Los Angeles County Sheriff's Department Entertainment License.

22. No live entertainment is permitted on the exterior patio at any time. Low level amplified music is permitted on the patio during the hours of 7:00 a.m. to 10:00 p.m., daily. Unnecessary and boisterous noise from the patio between the hours of 10:00 p.m. and 2:00 a.m. shall be prohibited.

23. Prior to final planning approval, the property owner / operator shall install small signs in the interior of the business on or near the exit doors requesting that patrons not loiter outside and be

courteous and quiet when leaving the building and parking areas.

24. All exterior doors shall remain closed when not being used for ingress/egress purposes. The property owner shall install self-closing door mechanisms on all exterior doors.

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

26. The property owner / operator (or designated representative) shall monitor the noise levels adjacent to nearby residences to check compliance with City noise regulations (i.e. the noise should not be plainly audible within five feet of any residential dwelling unit). If the property owner / operator (or designated representative) determines that the noise level exceeds City noise regulations, they shall immediately notify the musicians to reduce noise levels in compliance with City noise regulations.

27. 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 any applicable conditions of approval for the subject use relating to parking, smoking, litter, noise, loitering, etc.

28. Per M.M.C. Section 9.34.020, smoking is prohibited in all outdoor dining areas located on private or public property, including the public right-of-way. Smoking is also prohibited within 20 feet of an outdoor dining area, except while actively passing by on the way to another destination.

29. Per M.M.C. Section 9.34.030, the property owner shall post and maintain "no smoking" signs in conspicuous locations within the outdoor dining area. All such signs shall: 1) be no greater than one square foot in size; 2) be prominently displayed; 3) clearly state "no smoking" and/or use the international "no smoking" symbol; and 4) reference M.M.C. Section 9.34.020.

30. Prior to commencement of alcohol service, a security plan shall be submitted to the City Environmental and Community Development Department and the Los Angeles County Sheriff's Department for review and approval. The plan shall address both physical and operational security issues. Additionally, the plan shall include a contact phone number of an individual who will be available during entertainment events to address complaints.

31. The property owner / operator (or designated representative) shall regularly monitor the area outside of the restaurant to ensure peace and quiet. Security personnel shall be provided seven days a week from 9:00 p.m. to closing to ensure that noisy patrons leaving the establishment will not adversely affect the welfare of neighborhood residents.

32. At the close of business each day, the property owner / operator shall clean up any litter or any other items that were likely to have been left by patrons of the subject establishment found on the subject property or along the public right-of-way.

33. No sign shall be illuminated after 11:30 p.m., or close of business, whichever occurs last.

34. Any proposed structural changes to the existing signs shall require review for the requirements set forth in M.M.C. Section 17.52 - Signs.

35. Window or other signage visible from the public right-of-way that advertises beer or alcohol shall not be permitted.

36. No restaurant, food packager, retail food vendor, 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.

37. The property owner / tenant shall comply with the requirements set forth in M.M.C. Section 9.28—Ban on Plastic Shopping Bags. 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.

38. A copy of the conditions of approval must be kept on the premises and presented to the Los Angeles County Sheriff's Department upon request.

39. Parking displaced during any future construction on 22959 PCH shall be temporarily relocated to the commercial / office building located at 22761 PCH since it is owned by the same property owner (ASK Group, LLC) as the Malibu Inn. If this situation changes, alternate offsite parking arrangements will need to be coordinated with the Planning Manager prior to building permit issuance for development at 22959 PCH.

40. Within 60 days of the issuance of the conditional use permit, an after-the-fact building permit shall be obtained for the retaining wall along the hillside at the rear of the property (as identified in Building Permit No. 02-0233), which creates the area for the planter.

Fixed Conditions

41. The conditions under which this conditional use permit was approved may be modified by the City of Malibu 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 this title 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. Violation of any of the conditions of approval shall be cause for revocation of the conditional use permit and termination of all rights contained therein.

44. This conditional use permit shall become null and void with the demolition of the building.

45. If it has cause to believe that grounds for revocation or modification may exist, the Planning Commission shall hold a public hearing upon the question or modification or revocation of this conditional use permit granted under or pursuant to the provisions of M.M.C. Section 17.66.100(C). If a hearing is required, the City shall notify the property owner / operator prior to the hearing.

46. The conditional use permit shall 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.

Section 7. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 7th day of September, 2010.

JOHN MAZZA, Planning Commission Chair

ATTEST:

JESSICA BLAIR, Recording Secretary

LOCAL APPEAL - Pursuant to LIP Section 13.20.1 (Local Appeals), a decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and 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 may be found online at www.ci.malibu.ca.us, in person at City Hall or by calling (310) 456-2489 extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 10-79 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 7th day of September 2010, by the following vote:

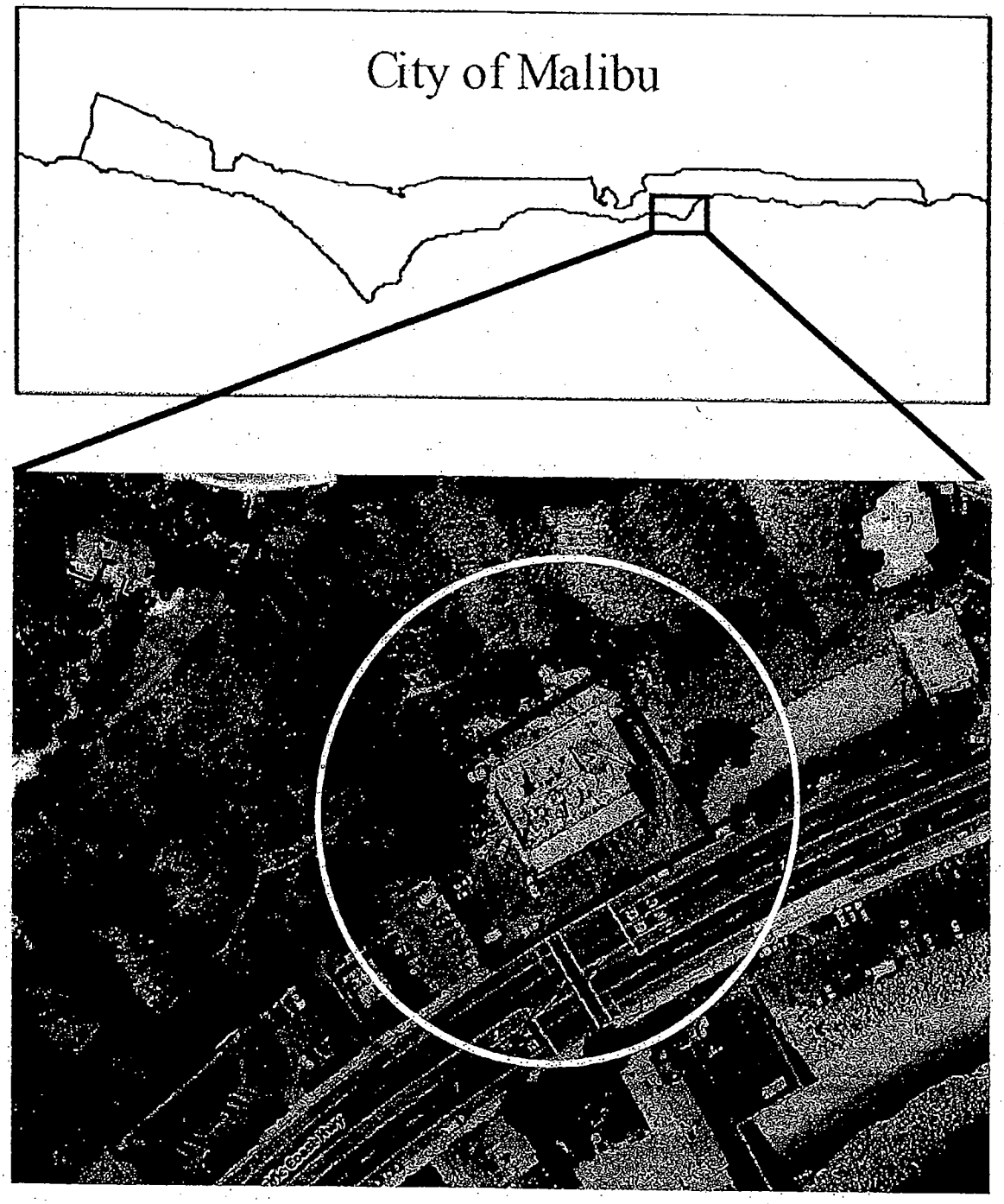
AYES:
NOES:
ABSTAIN:
ABSENT:

_____

JESSICA BLAIR, Recording Secretary

22969 Pacific Coast Highway

VICINITY MAP AND SITE PHOTO



Attachment 2

City of Malibu

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

RECEIVED
FEB 19 2010
PLANNING DIV.

DATE: February 18, 2010

ATTENTION: PLANNING SECTION

CITY: Malibu

SUBJECT: CUP 09-009

LOCATION: 22969 Pacific Coast Highway

☐ The Fire Department has no additional requirements for this permit.

☒ The required fire flow for public fire hydrants at this location is 2500 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. 2 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

☐ The required fire flow for private on-site hydrants is 1250 gallons per minute at 20 psi. for a duration of two hours. If more than one on-site fire hydrant is required, the on-site hydrant shall be at least 2500 gallons per minute at 20 psi, flowing from two hydrants simultaneously, one of which must be the furthest from the public water source.

☒ Public fire hydrant(s): Install ___ Upgrade __ Verify (flow test) 1 existing public fire hydrant(s).
Private on-site fire hydrant(s): Install ___ Upgrade __ Verify (flow test) ___ existing private on-site fire hydrants.

All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall.

☒ **Water:** Flow test the exixting public fire hydrant nearest the lot frontage as indicated on the site plan markup.

☒ **Access:** Existing.

☒ **Special Requirements:** Submit tenant improvement plans to Fire Prevention Engineering, 2600 Agoura Road, Calabasas, CA 91302 (818)880-0341.

☒ **Comments:** Submit a completed LACoFD fire flow form, Form #196 (original only), to Fire Prevention Land Development for review prior to clearance of the CUP.
Additional water system requirements may be required when this land is further subdivided and/or during the building permit process.

Fire Protection facilities; including access, must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: Nancy Rodeheffer

Stephanie Danner

From: Rodeheffer, Nancy [NRodeheffer@fire.lacounty.gov]
Sent: Thursday, February 18, 2010 9:08 AM
To: Stephanie Danner
Subject: CUP 09-009

Hi Stephanie,

Regarding the CUP for the Malibu Inn, I spoke to Captain Moore at Fire Station 88. Per Captain Moore there were no outstanding issues with the Malibu Inn on the last Fire Department annual inspection.

Best regards,

Nancy Rodeheffer
FPEA II
Land Development
LACoFD
nrodeheffer@fire.lacounty.gov

City of Malibu

23815 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

File # CUP 09-009

CONDITIONAL USE PERMIT
AGENCY APPROVAL

Los Angeles County Sheriff – Malibu/Lost Hills Station

Location: 22969 Pacific Coast Highway
Malibu Café (at the Malibu Inn)

Description: Restaurant Use (7am - 2am), live entertainment, Type 47 license

Applicant/Contact: Elizabeth Peterson

Applicant Phone #: (213)674-2686

Applicant Fax #:

Submit this Approval form, with project plans to:

Deputy Brownell
27050 Agoura Road, Calabasas CA 91302
818-878-1808 fax 818-880-5209
Hours: Monday – Thursday 9:00 a.m. – 5:00 p.m.

Separate applications and fees may be required. 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 Conditions Imposed: ☐ No ☑ Yes (see below)

Notes/Comments/Conditions: See Page - 2 -

Name _____ Date _____

Signature _____ Title _____

Malibu Café (At the Malibu Inn) - City of Malibu CUP # 09-009

Special conditions and/or Restrictions:

Applicant is required to keep the Sheriff's Department (Malibu/Lost Hills Station) and the City of Malibu apprised of any live entertainment scheduled to take place within the Malibu Inn, especially pertaining to live bands. The applicant has assured me they were more interested in booking smaller (3) piece type entertainers (jazz, acoustic, etc.) as opposed to larger bands. The applicant is required to advise the Sheriff's Department and the City if they plan on booking a larger band, at which time we will discuss the possibilities of contracting for a law enforcement presence to handle any added crowd & traffic control. The applicant has expressed their intention to remodel the current interior to restore it to a similar layout and decor as the original Malibu Inn. We specifically discussed separating the bar area and eating areas with a wall, which would create a favorable atmosphere for customers that are dinning. The applicant shall keep the City and the Sheriff's department informed as to their plans and progress pertaining to the remodeling.

Other conditions: Applicant is to comply with city permit requirements

Processed By: Deputy Shawn Brownell # 208431

Date: May 13, 2010

City of Malibu

001795

23555 Civic Center Way, Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrato DATE: 12/3/2009

FROM: City of Malibu Planning Department

RECEIVED
MAY 25 2010
PLANNING DIV.

PROJECT NUMBER:	CUP 09-009
JOB ADDRESS:	22969 PACIFIC COAST HWY
APPLICANT / CONTACT:	Elizabeth Peterson
APPLICANT ADDRESS:	1850 Industrial St. Unit 606 Los Angeles, CA 90021
APPLICANT PHONE #:	(213)674-2686
APPLICANT FAX #:	
PROJECT DESCRIPTION:	Restaurant use - Malibu Café

❸ New Construction ❸ Remodel ❸ Fire Damage

TO: Malibu Planning Department and/or Applicant

FROM: Andrew Sheldon, City Environmental Health Administrator

___ An Onsite Wastewater Treatment System (OWTS) Plot Plan approval IS NOT REQUIRED for the project.

✓ An OWTS Plot Plan approval IS REQUIRED for the project. DO NOT grant your approval until an approved Plot Plan is received. *

A Sheldon
SIGNATURE

5-13-2010
DATE

The applicant must submit to the City of Malibu Environmental Health Specialist to determine whether or not a Private Sewage Disposal System Plot Plan approval is required.

Andrew Sheldon, Environmental Health Administrator, may be contacted at the City Hall Annex counter Monday through Thursday from 8:00 am to 10:00 am, or by calling (310) 456-2489 x364

Rev: 09/21/06 (gs)

* Conditions of approval show an OWTS Plot Plan attached hereto

22069 PACIFIC COAST HIGHWAY (CUP 09-009)
MALIBU, CA 90265

RESTURANT:	94 Seats (E)
NIGHTCLUB:	340 Patrons (E)
RETAIL:	565 Sq Ft (E)
GREASE INTERCEPTOR:	1 - 10000 Gallon (E)
SEPTIC TANK:	1 - 3000 Gallon (E)
	1 - 3000 Gallon (E)
ACTIVE:	1 - 16' x 100' Drainfield (E)
	1 - 24' x 40' Drainfield (E)
	1 - 20' x 40' Drainfield (E)
FUTURE:	100% (Covenant to use adjacent property)
PERC RATE:	1.94 gpsf (Tested)
REFERENCE:	Ensitu Engineering: Existing OWTS evaluation report dated 4-28-2010

NOTES:

1. This conformance review is for a conditional use permit to operate a restaurant and nightclub. Except as required by the conditions shown below, no renovation of the septic tank and drainfield system is required. This work does not represent an expansion, modification or change in the type or intensity of use of the existing onsite wastewater treatment system.

2. This review relates only to the minimum requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Program (LCP), and does not include an evaluation of any geological or other potential problems, which may require an alternative method of wastewater treatment.

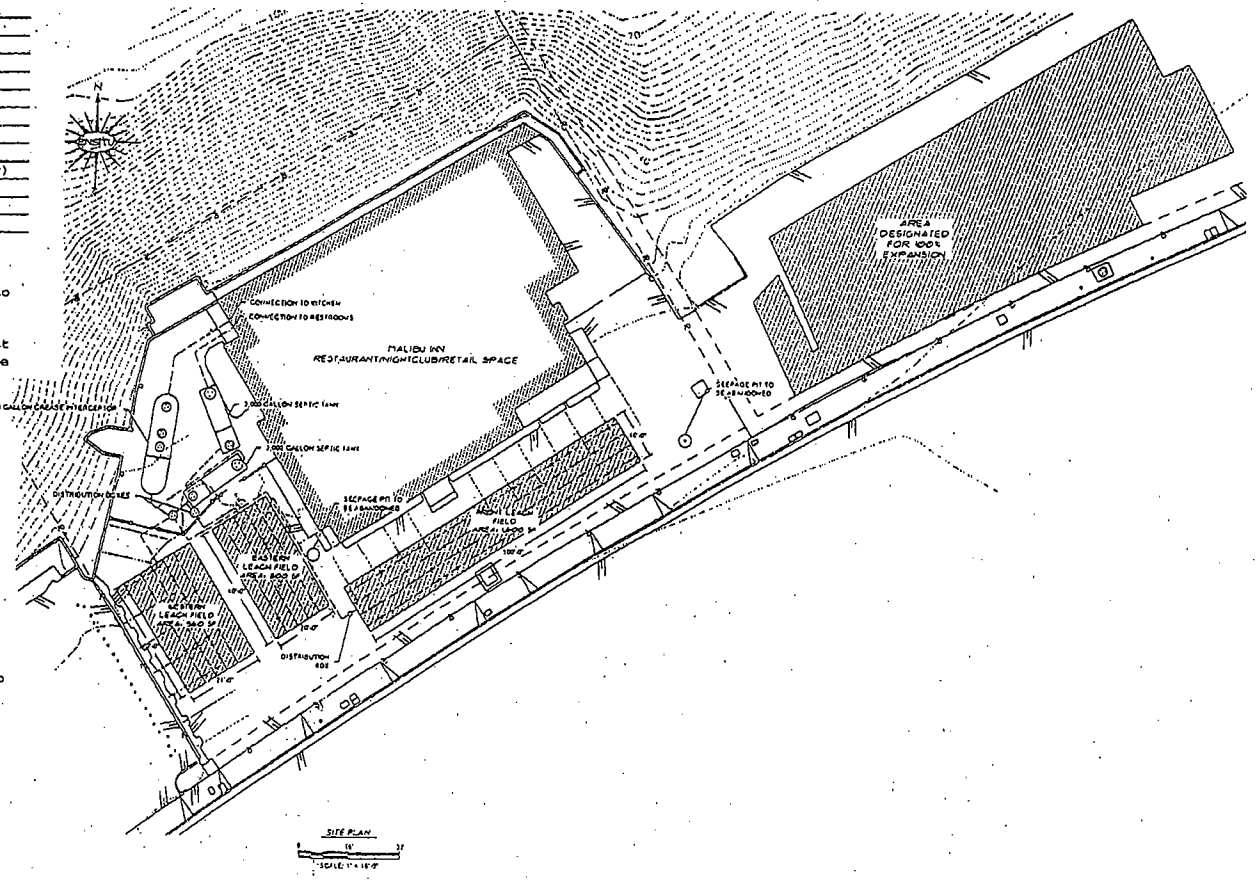
3. This review is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

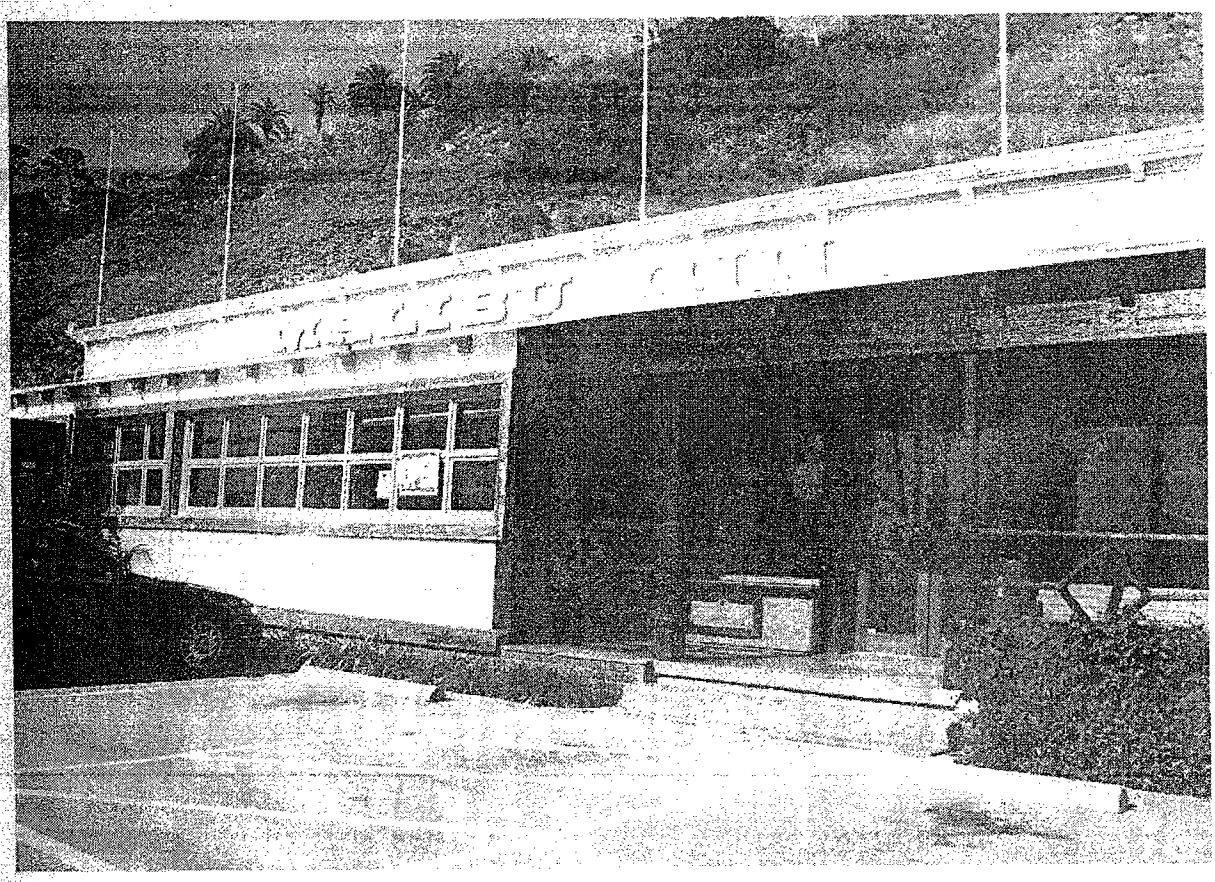
CONDITIONS OF APPROVAL:

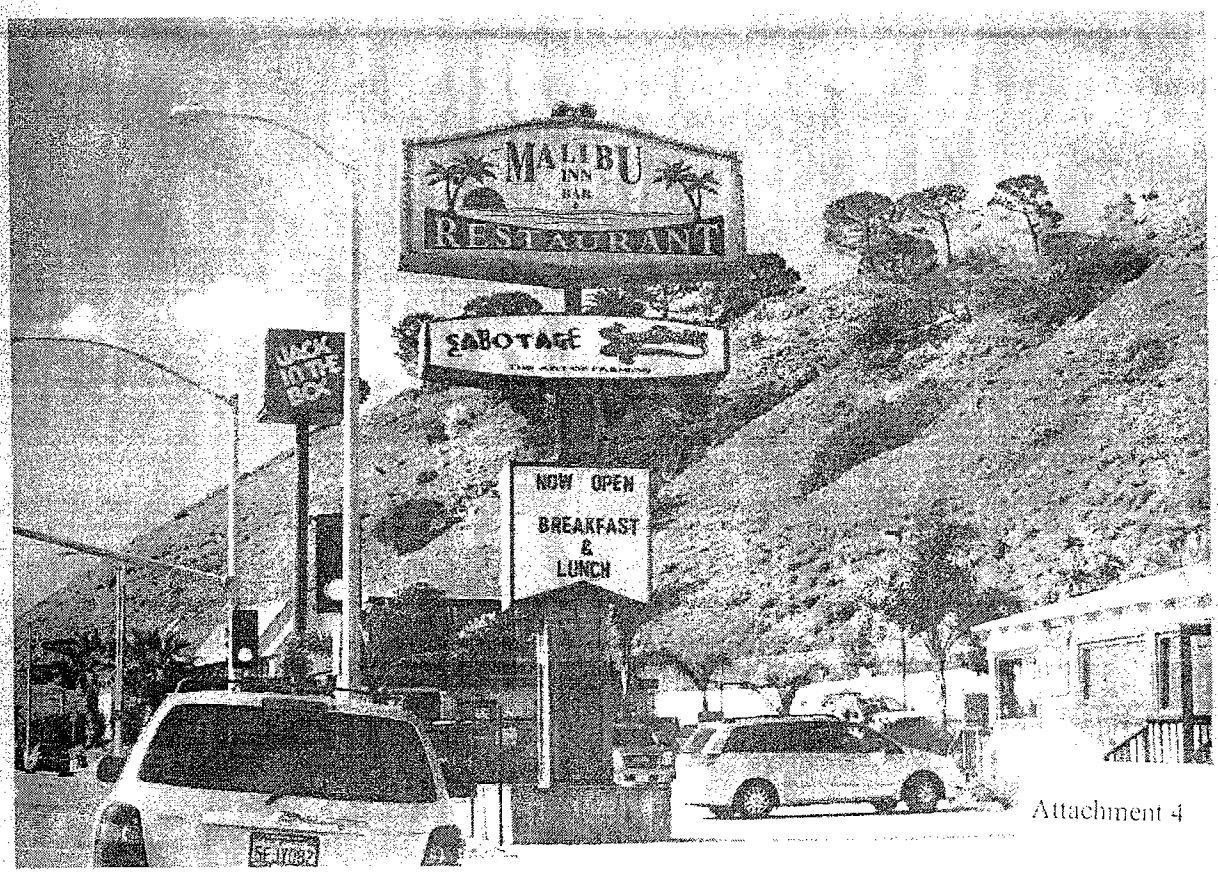
1. The piping connections between the grease interceptor, septic tanks, and distribution boxes shall be brought into conformance with the MPC. Prior to authorization to operate the restaurant during dinner and/or nightclub hours, a piping plan shall be submitted for review and approval, and a final construction permit shall be submitted to the Environmental Health Administrator.

2. Use of the premises shall not exceed 94 restaurant seats, 340 nightclub patrons, and 565 sq ft retail.

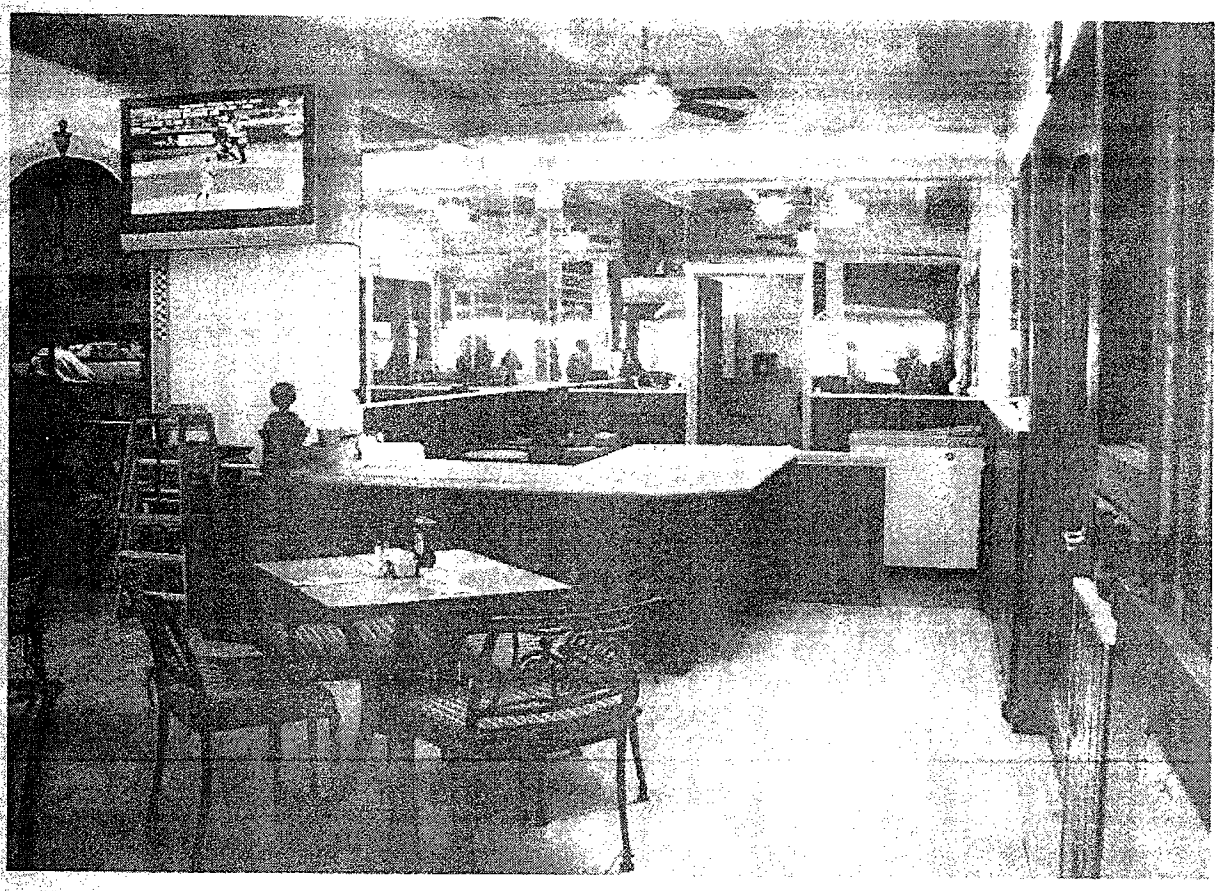
CITY OF MALIBU
ENVIRONMENTAL HEALTH
CONFORMANCE REVIEW
MAY 13 2010
SIGNATURE
THIS IS NOT AN APPROVAL.
FINAL APPROVAL IS REQUIRED
PRIOR TO THE ISSUANCE OF
ANY CONSTRUCTION PERMITS

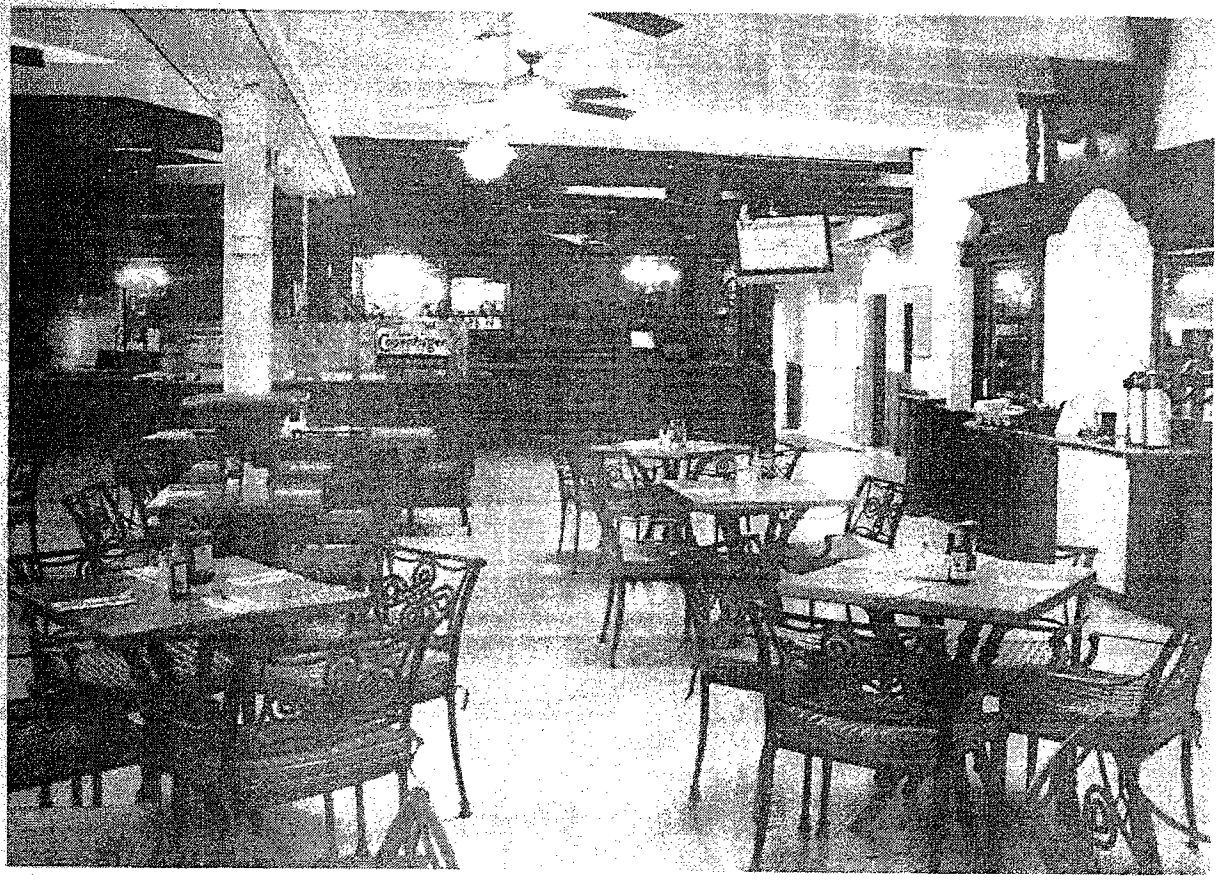


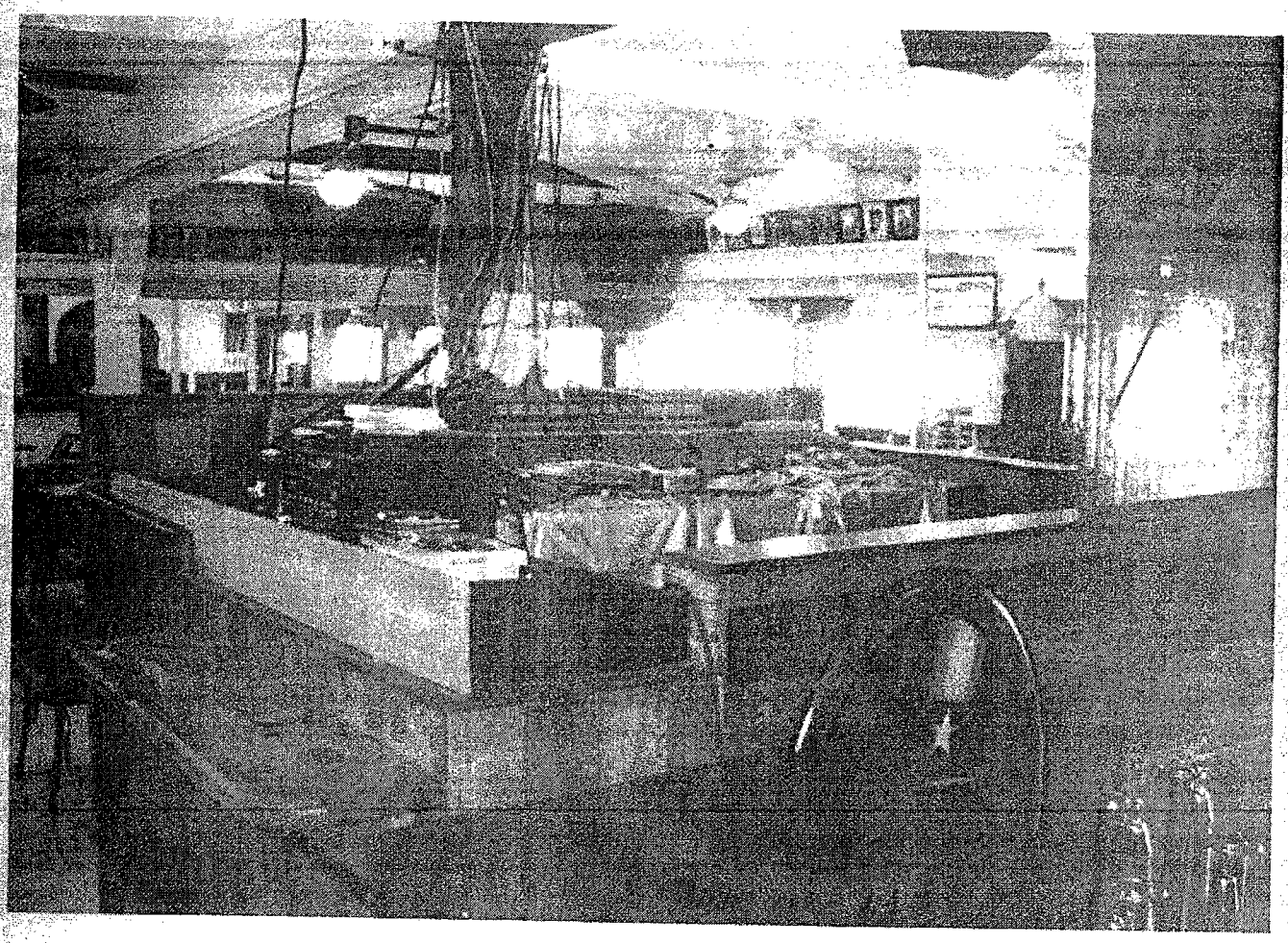


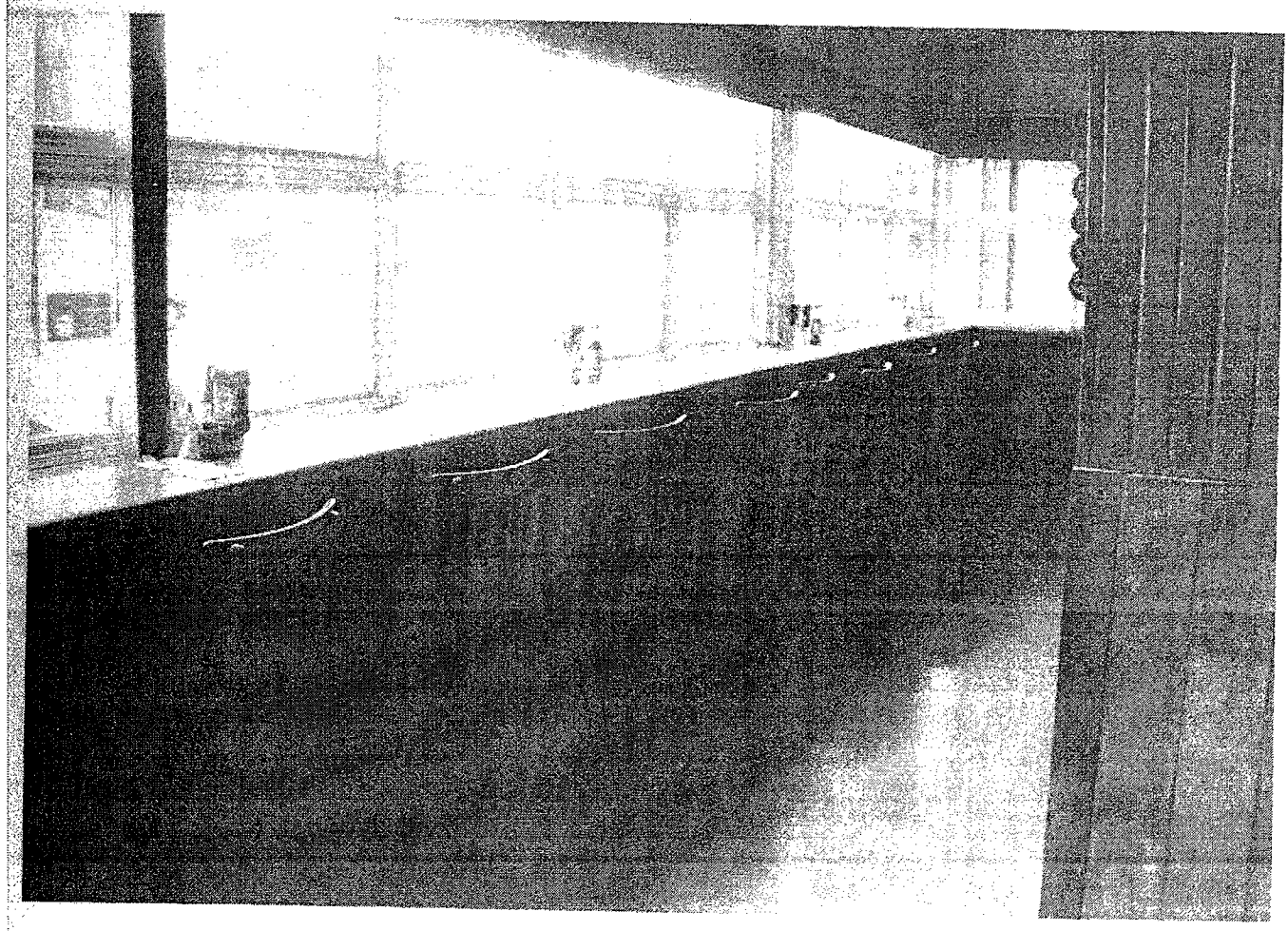


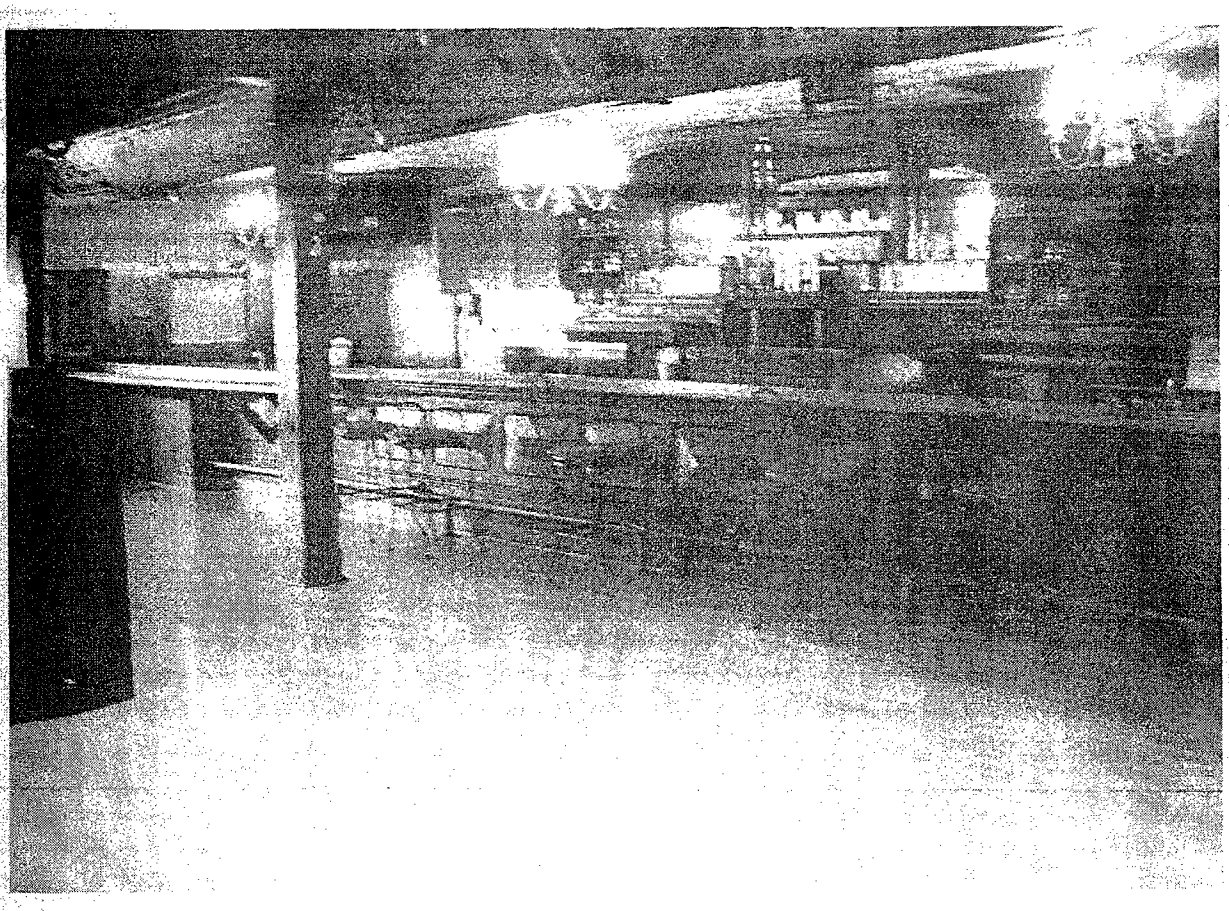
Attachment 4

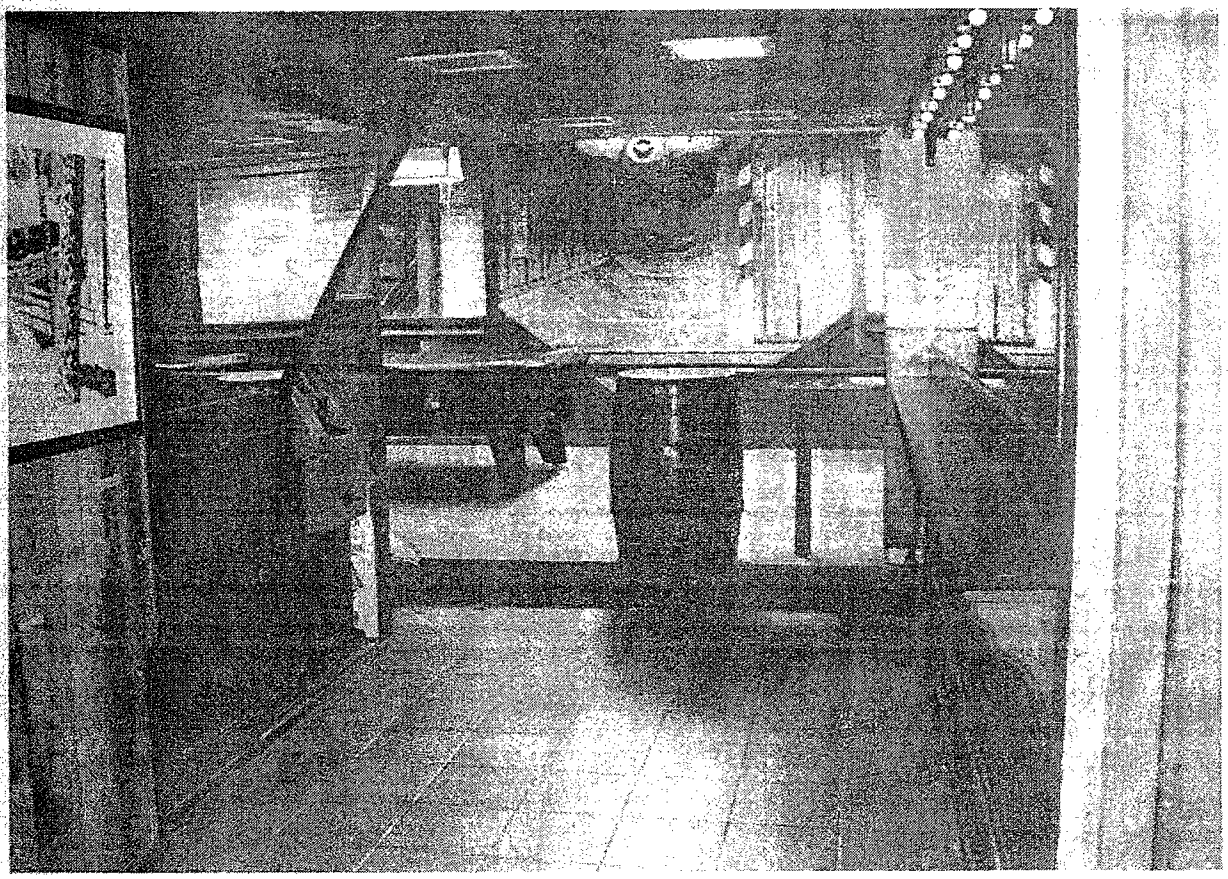


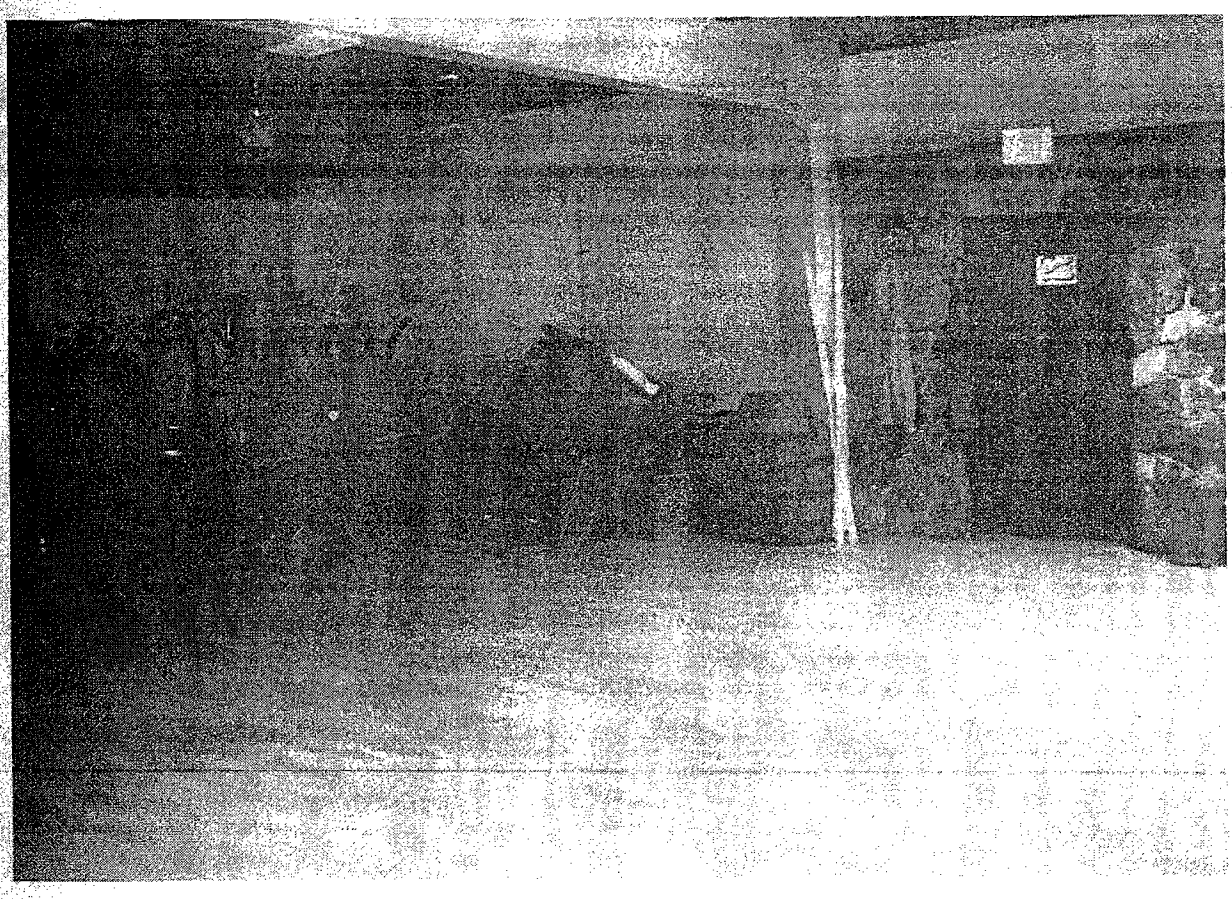




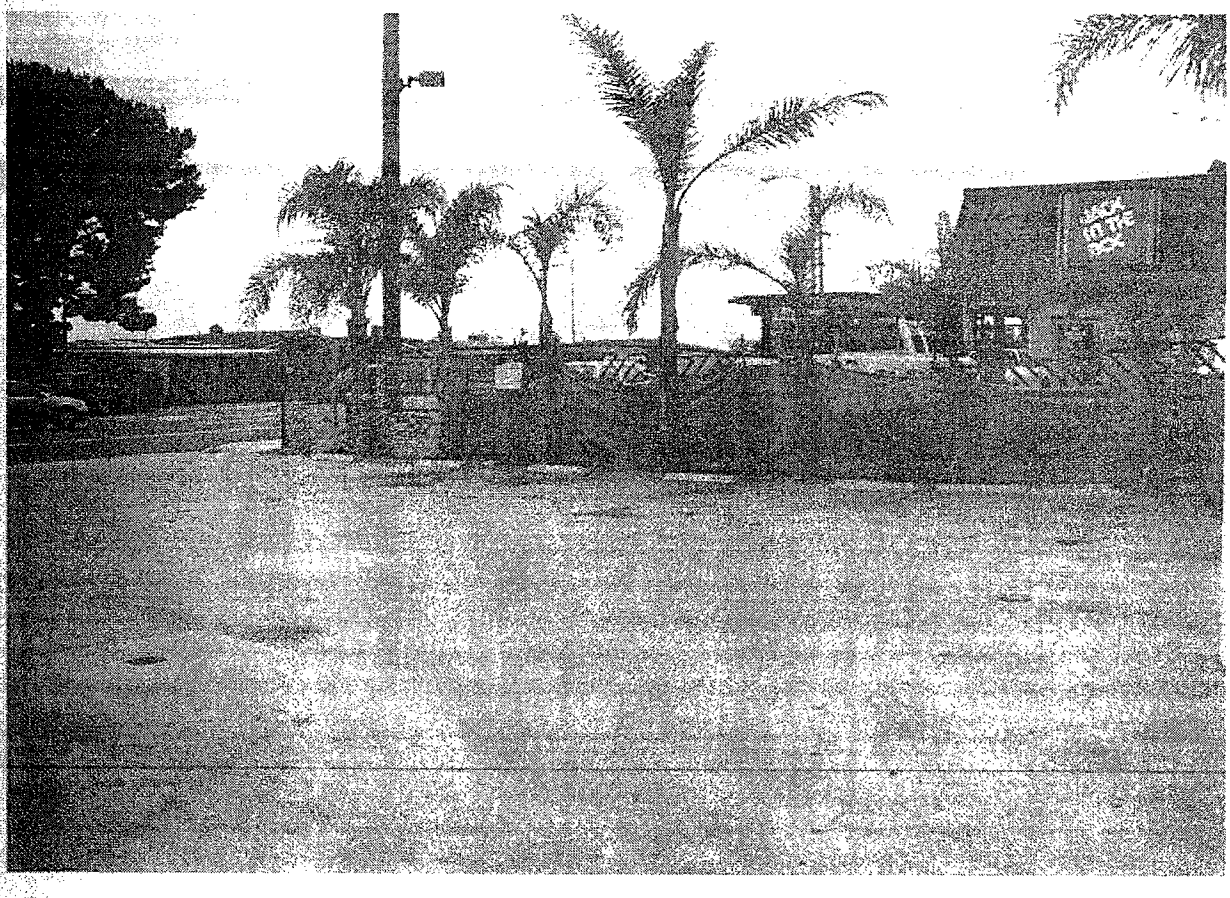








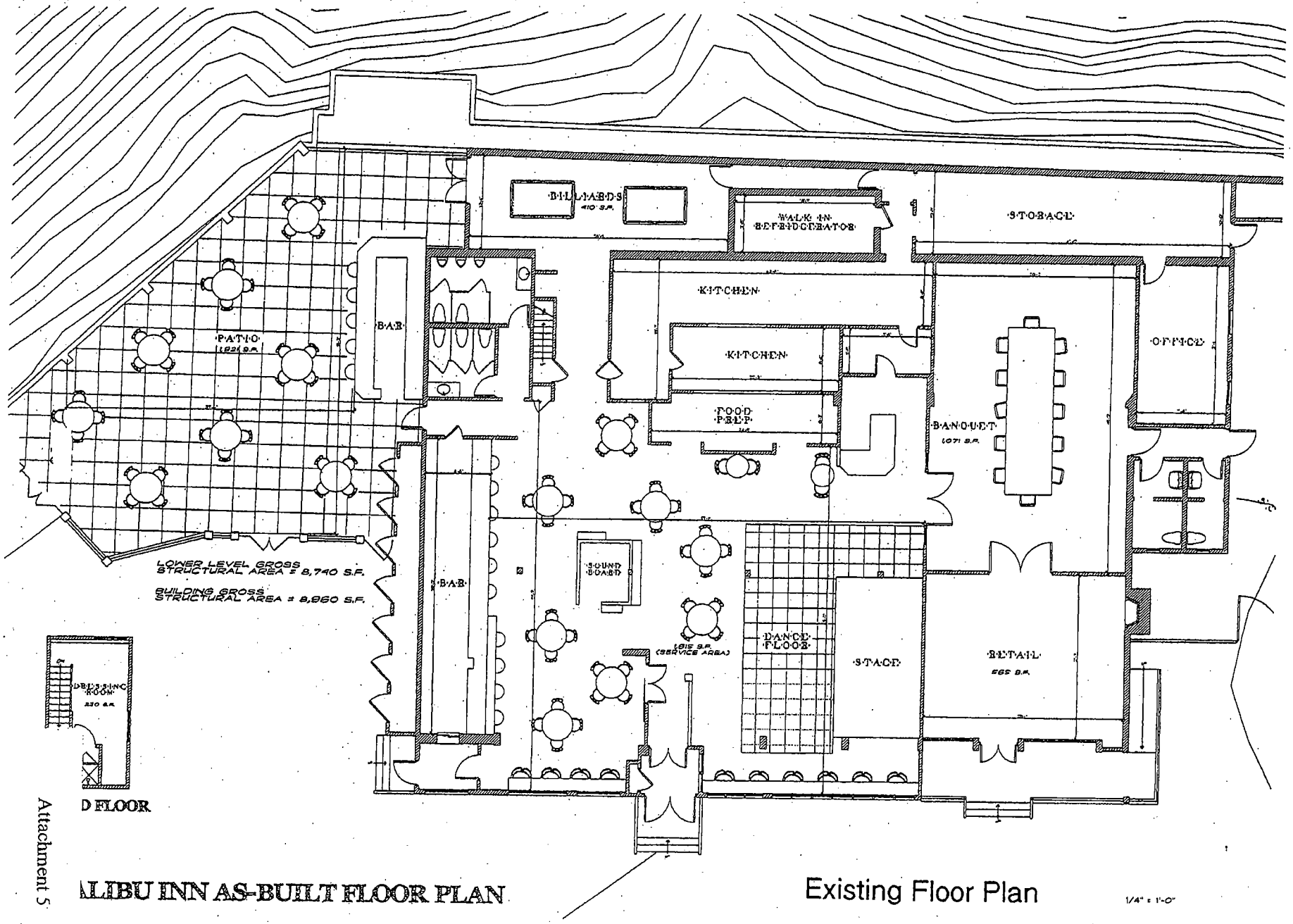




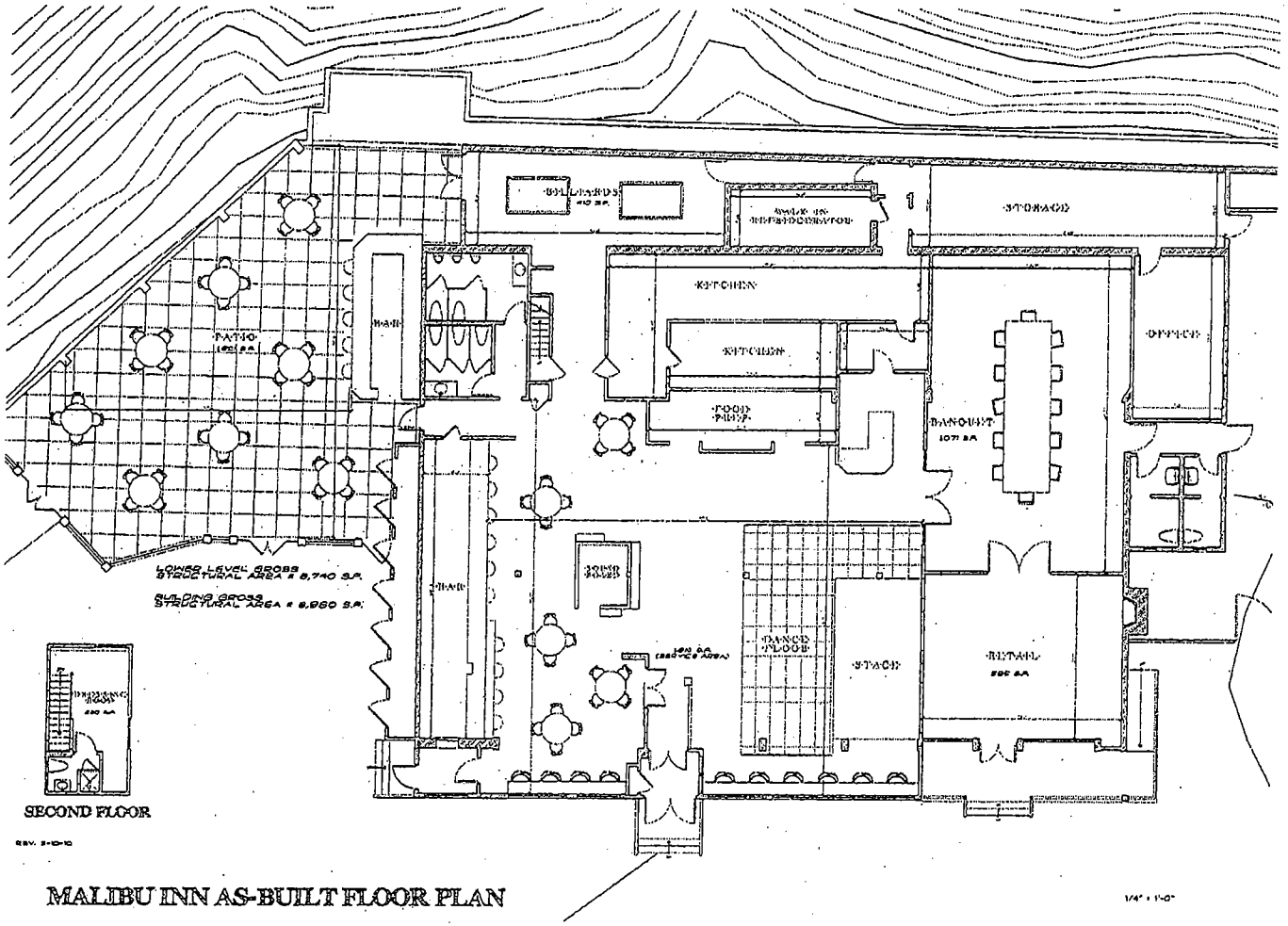




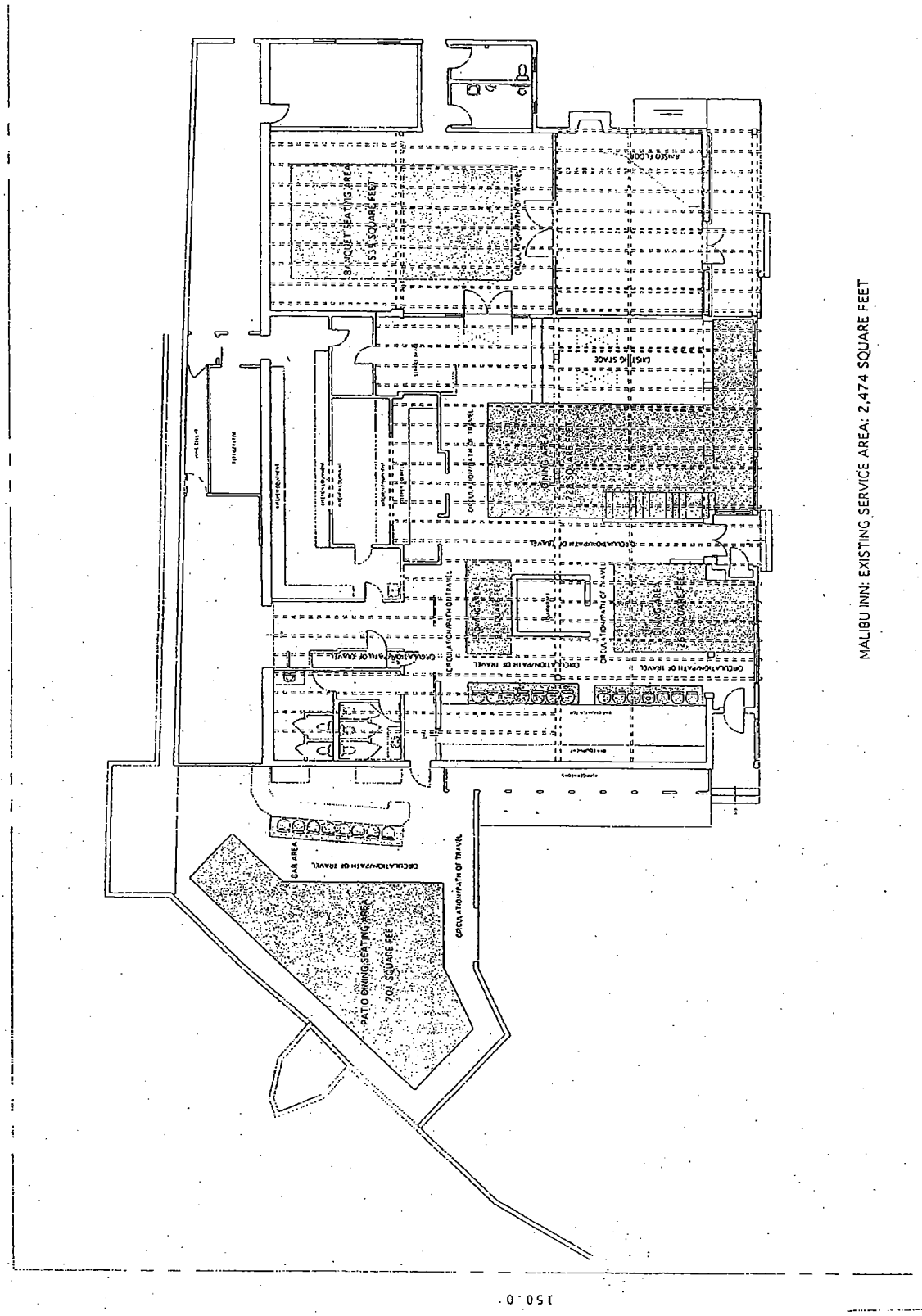




Attachment 5


BILLIARDS
STORAGE
KITCHEN
PATIO
BAR
OFFICE
BANQUET
DANCE FLOOR
STAGE
RETAIL
SECOND FLOOR
MALIBU INN AS-BUILT FLOOR PLAN

Event Set–up



Attachment 6

John N Yaroslaski PE
Ensitu Engineering Inc.
685 Main Street, Suite A
Morro Bay, CA 93442

April 28, 2010

Mr. Kambiz Hakim
SKA Group LLC
1541 Ocean Ave. Ste. 200
Santa Monica, CA 90401

ENSITU
Engineering Inc
685 Main St.
Suite A
Morro Bay, CA
93442

Tel: 805.772.0150
Fax: 805.772.0813

ensitu@ensitu.com

Subject: 498-01 22969 Pacific Coast Highway – Malibu Inn – Acceptability of Flow Test Results And Evaluation of Onsite Wastewater Dispersal Field Adequacy

References:

1) "Percolation Testing of Dispersal System" by GeoConcepts, Inc. covering the subject site, dated April 27, 2010
2) Inspection Report by Mosser Plumbing, Inc. dated May 5, 2009
3) City of Malibu Environmental Health Approval dated September 28, 2004
4) Proposed Flow Test Work Plan to Support Evaluation of Onsite Wastewater Dispersal Field Adequacy by Ensitu Engineering Inc. dated March 24, 2010

Dear Mr. Hakim,

1. INTRODUCTION

This document presents an evaluation of existing onsite wastewater dispersal fields at the above noted site following flow testing performed by GeoConcepts, Inc. according to the above referenced report. Presently the site is occupied by a historic restaurant/nightclub with a 565 square foot (sf) retail space.

2. SITE OCCUPANCY AND DESIGN FLOW

The site is occupied by a historic restaurant/nightclub with a 565 sf retail space. The restaurant/nightclub occupancy is 340 persons with seating for 94. The estimated flow rate is made according to Malibu Plumbing Code, Table K-3, as shown below:

Malibu Inn Restaurant/Nightclub/Retail Flow Calcs		
94 restaurant seats	50 gpd/seat	4,700 gpd
340 nightclub patrons	5 gpd/person	1,700 gpd
565 sf retail space	1 gpd/10 sf floor space	57 gpd
2 retail employees	20 gpd/employee	40 gpd
Total Flow		6,497 gpd

Engineering Inc
685 Main St.
Suite A
Morro Bay, CA
93442

Tel: 805.772.0150
Fax: 805.772.0813

ensitu@ensitu.com

3. SYSTEM COMPONENTS

3.1. GREASE INTERCEPTOR

The site is served by a 10,000 gallon grease interceptor.

According to California Plumbing Code Section K9, Commercial or Industrial Special Liquid Waste Dispersal, Subsection K9(g), grease interceptor sizing is based on the following formula:

Number of meals per peak hour x Waste flow rate x Retention time x Storage factor = Interceptor size (liquid capacity)

Because waste flow according to Malibu Plumbing Code is not calculated by number of meals and flow per meal but rather by gpd per seat the formula is modified to account for flow per hour assuming a restaurant/nightclub open for 16 hours per day. The storage factor for a fully equipped commercial kitchen with 16 hour operation is 2. The retention time for commercial kitchen waste with dishwasher and/or disposal is 2.5 hours.

6,400 gpd / 16 hour operation = 400 gph waste flow rate

Therefore the required grease interceptor capacity is:

400 gph waste flow rate x 2.5 hour retention time x 2 (storage factor for 16 hour operation) = 2,000 gallons

As is this office's preference, the grease interceptor is sized to accommodate a full day's flow rather than the code required minimum.

3.2. SEPTIC TANKS

The site is served by two 3,000 gallon septic tanks (6,000 gallons total).

According to Malibu Plumbing Code, Table K-3(a), sewage dispersal systems sized using an estimated waste/sewage flow rate above 1,500 gpd should be calculated as follows:

Flow x 0.75 + 1,125 = septic tank size

Therefore the required septic tank capacity is:

6,497 x 0.75 + 1,125 = 5,998 gallons

3.3. DISPERSAL

The site is served by the following:

Component	Capacity/Dimensions	Absorption Area
West Leachfield	24' x 40'	960 sf
East Leachfield	20' x 40'	800 sf
Front Leachfield	16' x 100'	1,600 sf
Seepage Pit (to be abandoned)	4' diameter, 13' deep, 3' cap	125 sf
Seepage Pit (to be abandoned)	4' diameter, 13' deep, 3' cap	125 sf

Engineering Inc
685 Main St.
Suite A
Morro Bay, CA
93442

Tel: 805.772.0150
Fax: 805.772.0813

ensitu@ensitu.com

The absorption area of the leachfields is 3,360 sf. The seepage pits shall be abandoned. The total absorption area is 3,360 sf. The percolation rate is established based on sand category soils.

According to Malibu Plumbing Code, Section K-3, the minimum effective absorption area in dispersal fields and seepage pits, in square feet, shall be predicated on the required septic tank capacity and/or estimated waste/sewage flow rate, whichever is greater. Per Subsection K-4(a) dispersal field and seepage pit sizes shall be computed from Table K-4. Per Malibu Plumbing Code Table K-4, the required area (in square feet) of leaching area per 100 gallons in fine sand is 25. Per Subsection K-3(2) where leaching beds are permitted in lieu of trenches, the area of each such bed shall be at least fifty percent greater than the tabular requirements for trenches.

The estimated waste/sewage flow rate is 6,497 gpd. The required grease interceptor and septic tank capacity, combined, is 8,497 gallons. Therefore the minimum effective absorption area shall be predicated on the required grease interceptor and septic tank capacity.

The minimum required effective absorption area is:

8,497 gallons / 100 gallons x 25 sf x 1.5 = 3,187 sf

The adjacent lot has a deed restriction/covenant reserving 100% expansion capacity.

4. DISPERSAL FIELD FLOW TESTING APPROACH

The existing dispersal fields meet minimum effective absorption area requirements as outlined above. In order to confirm conformance with percolation test requirements as outlined in Malibu Plumbing Code, Subsections K-4(b) and K-4(c), flow testing by a licensed soils engineer following the above referenced work plan by Ensitu Engineering was performed according to the above referenced report by GeoConcepts, Inc. A summary of the flow testing results is attached as Appendix A.

Piping to the two seepage pits was capped (and the pits abandoned) to prevent flow to the seepage pits. Piping from the west distribution box to the front distribution box was plugged at both ends (with the plugs later removed) to isolate the front field from the west. Piping from the septic tank to both the west and east distribution boxes was plugged (with the plugs later removed) to isolate the distribution boxes from the septic tank. The septic tanks were pumped prior to testing.

A flow meter was used at each of the three distribution boxes for recording purposes.

On the first day of the flow test a licensed soils engineer introduced 6,497 total gallons of water to the three dispersal fields through the distribution boxes at each field, metered using the allocations of total flow outlined in Table 2 (below) so as to presoak the leachfields prior to performing water absorption measurements on the three following consecutive days. For each leachfield, an initial meter reading was recorded prior to any water additions. Thereafter, each leachfield was filled with clear water. Subsequently, each leachfield was refilled with clear water as necessary. A meter reading and the time of day was recorded after the initial filling and each refill.

On the following three consecutive days, using the schedule outlined in Table 1 (below), a licensed soils engineer introduced 6,497 gpd of metered water to the three dispersal fields through the distribution boxes at each field. Using the allocations of restaurant/retail and nightclub flow outlined in Table 2 (below), the water was metered according to the proportion of total absorption area contributed by each leachfield. For each leachfield, an

ENSITU
Engineering Inc
685 Main St.
Suite A
Morro Bay, CA
93442

Tel: 805.772.0150
Fax: 805.772.0813

ensitu@ensitu.com

initial meter reading was recorded prior to any water additions. Thereafter, each leachfield was filled with clear water. Subsequently, each leachfield was refilled with clear water as necessary over the course of the test periods outlined in Table 1. A meter reading and the time of day was recorded after the initial filling and each refill. Prior to and after each test the monitoring well within each leach field was measured to record the depth to effluent.

After four days of testing additional testing was performed on the fifth day within the three leach fields.

With an estimated waste/sewage flow of 6,497 gpd and 3,360 sf of leachfield absorption area, the loading rate to the fields shall be 1.94 gallons per square foot per day (gpsfd).

7:00AM-9:00PM (14 hours)	Restaurant (94 seats @ 50 gpd/seat) and Retail (97 gpd)	4,797 gallons
9:00PM-1:00AM (4 hours)	Nightclub (340 people @ 5 gpd/person)	1,700 gallons

Table 1 Test Schedule

West	24	40	960	29%	1,856	1,371	486
East	20	40	800	24%	1,547	1,142	405
Front	16	100	1,600	48%	3,094	2,284	810

Table 2 Test Allocation

5. CONTIGENCY PLANS

In the event that the existing OWTS (if approved for the proposed use) fails in the future, the 100% future replacement area reserved on the adjacent lot shall be used for dispersal.

6. CONCLUSION

Ensitu Engineering Inc. hereby certifies that the OWTS, as described above, is acceptable for the use described above.

Any persons concerned with this project, who observe conditions, or features of the site, or its surroundings that are different from those described in this report, should notify EEI immediately for evaluation.

Thank you for the opportunity to have been of service. If you have any questions, or require additional assistance please feel free to contact Ensitu Engineering at (805) 772-0150.

Sincerely,

John N. Yaroslaski PE 60149
Ensitu Engineering Inc.
Project Engineer



Engineering Inc
685 Main St.
Suite A
Morro Bay, CA
93442

Tel: 805.772.0150
Fax: 805.772.0813

ensitu@ensitu.com

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ENSITU
Engineering Inc
685 Main St.
Suite A
Morro Bay, CA
93442

Tel: 805.772.0150
Fax: 805.772.0813

ensitu@ensitu.com

Appendix A
Summary of Flow Test Results

TABLE A

Leach Field	Restaurant Flow gpd	Nightclub Flow gpd	Total Day & Night Usage gpd
East	1,142	405	1,547
West	1,371	486	1,856
Front	2,284	810	3,094

TEST RESULTS
TABLE B

East Field "D" Box

Date	Time	Start Meter Reading	Finish Meter Reading	Net Volume in Gals.
4/12/10	8:45	341310	341750	440
4/12/10	9:20	342371	342640	269
4/12/10	9:35	342640	343070	433
4/12/10	21:45	345228	345633	405
4/13/10	9:56	347835	348977	1142
4/13/10	21:36	351764	352169	405
4/14/10	11:11	355812	356454	1142
4/14/10	21:18	358322	358727	405
4/15/10	7:31	360941	362083	1142
4/15/10	21:41	364877	365282	405

West Field "D" Box

Date	Time	Start Meter Reading	Finish Meter Reading	Net Volume in Gals.
4/12/10	8:20	339930	341301	1371
4/12/10	21:34	344742	345228	486
4/13/10	9:24	346461	347832	1371
4/13/10	21:28	351278	351764	486
4/14/10	11:31	356454	357825	1371
4/14/10	21:11	357836	358322	486
4/15/10	7:15	359570	360941	1371
4/15/10	21:36	364391	364877	486

RESULTS TABLE B

Front Field "D" Box

Date	Time	Start Meter Reading	Finish Meter Reading	Net Volume in Gals.
4/12/10	9:08	341752	342370	618
4/12/10	9:58	343070	344736	1666
4/12/10	21:58	345633	346443	810
4/13/10	10:27	348977	351261	2284
4/13/10	21:46	352172	352982	810
4/14/10	10:42	353025	355309	2284
4/14/10	21:29	358728	359538	810
4/15/10	8:08	362083	364367	2284
4/15/10	21:48	365282	366092	810

MONITORING DATA
TABLE C

East Field

Monitoring No.	Date	Time	Total Depth	Effluent Depth in ft.
1	4/12/10	8:15	5.0'	3.6'
1	4/12/10	21:23	5.0'	3.0'
1	4/13/10	9:24	5.0'	3.6'
1	4/13/10	21:10	5.0'	4.6'
1	4/14/10	10:34	5.0'	4.0'
1	4/14/10	21:07	5.0'	4.0'
1	4/15/10	7:10	5.0'	4.0'
1	4/15/10	21:34	5.0'	4.0'

West Field

Monitoring No.	Date	Time	Total Depth	Effluent Depth in ft.
1	4/12/10	8:15	5.0'	4.6'
1	4/12/10	21:23	5.0'	4.6'
1	4/13/10	9:24	5.0'	4.6'
1	4/13/10	21:10	5.0'	4.6'
1	4/14/10	10:34	5.0'	4.6'
1	4/14/10	21:07	5.0'	4.6'
1	4/15/10	7:10	5.0'	4.6'
1	4/15/10	21:34	5.0'	4.6'

MONITORING DATA
TABLE C

Front Field

Monitoring No.	Date	Time	Total Depth	Effluent Depth in ft.
1	4/12/10	8:15	5.5'	5.0'
2	4/12/10	8:15	5.5'	5.0'
1	4/12/10	21:23	5.5'	5.0'
2	4/12/10	21:23	5.5'	5.0'
1	4/13/10	9:24	5.5'	5.0'
2	4/13/10	9:24	5.5'	5.0'
1	4/13/10	21:10	5.5'	5.0'
2	4/13/10	21:10	5.5'	5.0'
1	4/14/10	10:34	5.5'	5.0'
2	4/14/10	10:34	5.5'	5.0'
1	4/14/10	9:07	5.5'	5.0'
2	4/14/10	9:07	5.5'	5.0'
1	4/15/10	7:10	5.5'	5.0'
2	4/15/10	7:10	5.5'	5.0'
1	4/15/10	21:34	5.5'	5.0'
2	4/15/10	21:34	5.5'	5.0'

ADDITIONAL TESTING
TABLE D

Leach Field	Date	Time	Start Meter Reading	Finish Meter Reading	Net Volume in Gals.
East	4/16/10	7:29	367900	368000	100
	4/16/10	7:30	368000	368700	700
West	4/16/10	7:07	366111	367482	1371
	4/16/10	7:22	367482	367900	413
Front	4/16/10	7:48	368700	370984	2284
	4/16/10	8:12	370984	375696	4712

California Department of Alcoholic Beverage Control

License Query System Summary as of 10/29/2009

License Information
License Number: 480883 **Status:** PENDING
Primary Owner: MALIBU CAFE LLC
ABC Office of Application: LA/METRO
Business Name
Doing Business As: MALIBU INN
Business Address
Address: 22969 PACIFIC COAST HWY **Census Tract:** 8005.02
City: MALIBU **County:** LOS ANGELES
State: CA **Zip Code:** 90265-4934
Licensee Information
Licensee: MALIBU CAFE LLC
Company Officer Information
Officer: HAKIM KAMBIZ, MANAGING MEMBER
License Types
1) License Type: 47 - ON-SALE GENERAL EATING PLACE
License Type Status: PENDING
Status Date: 22-JUL-2009 **Term:** Month(s)
Original Issue Date: **Expiration Date:**
Master: Y **Duplicate:** 0 **Fee Code:** P40
License Type was Transferred On: **From:** 258784
Current Disciplinary Action
. . . No Active Disciplinary Action found . . .
Disciplinary History
. . . No Disciplinary History found . . .
Hold Information
Hold Date: **Type:** FORM 220
Hold Date: 04-DEC-2008 **Type:** BOARD OF EQUALIZATION HOLD
Hold Date: 17-SEP-2009 **Type:** FRANCHISE TAX HOLD
Escrow
Escrow: BUSINESS TITLE ESCROW 25152 SPRINGFIELD CT STE 285 VALENCIA,CA 91355-1078

- - - End of Report - - -

For a definition of codes, view our glossary.

California Department of Alcoholic Beverage Control

License Query System Summary as of 10/29/2009

License Information
License Number: 258784 **Status:** ACTIVE
Primary Owner: INN MALIBU CORP
ABC Office of Application: LA/METRO
Business Name
Doing Business As: MALIBU INN & RESTAURANT
Business Address
Address: 22969 PACIFIC COAST HWY **Census Tract:** 8005.02
City: MALIBU **County:** LOS ANGELES
State: CA **Zip Code:** 90265-4934
Licensee Information
Licensee: INN MALIBU CORP
Company Officer Information
Officer: PETRI NURIT, PRESIDENT/SECRETARY
License Types
1) License Type: 47 - ON-SALE GENERAL EATING PLACE
License Type Status: ACTIVE
Status Date: **Term:** 12 Month(s)
Original Issue Date: 13-MAY-1991 **Expiration Date:** 30-APR-2010
Master: Y **Duplicate:** 0 **Fee Code:** P0
Condition: OPERATING RESTRICTIONS
License Type was Transferred On: 26-DEC-2002 **To:** 396257
License Type was Transferred On: 15-OCT-2002 **To:** 394093
License Type was Transferred On: PEND **To:** 480883
2) License Type: 58 - CATERER PERMIT
License Type Status: ACTIVE
Status Date: 30-OCT-1998 **Term:** 12 Month(s)
Original Issue Date: 30-OCT-1998 **Expiration Date:** 30-APR-2010
Master: N **Duplicate:** 1 **Fee Code:** NA
Condition: OPERATING RESTRICTIONS
3) License Type: 77 - EVENT PERMIT
License Type Status: ACTIVE
Status Date: 23-JUN-2003 **Term:** Month(s)
Original Issue Date: 23-JUN-2003 **Expiration Date:** 30-APR-2010

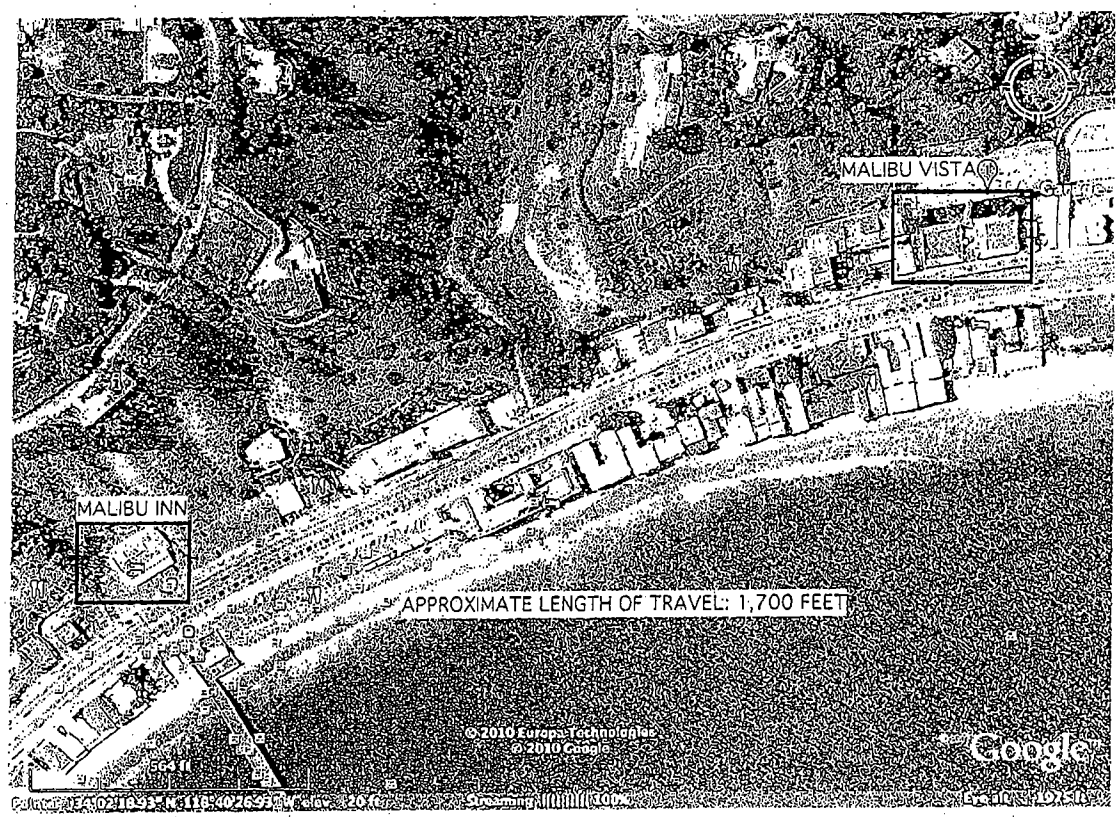
Master: N **Duplicate:** 1 **Fee Code:** NA
Current Disciplinary Action
. . . No Active Disciplinary Action found . . .
Disciplinary History
Reg. Number: 02053407
1) Section Violated: 24200(a)
2) Section Violated: 25602(a)
3) Section Violated: 25658(a)
4) Section Violated: 25658(b)
Proceeding Status: COMPLETE **Decision:** SUSPENDED
Suspension Days: 15 **Stayed Days** **POIC/Fine:** 3000
Suspension Start Date: **Suspension End Date:**
Hold Information
Hold Date: 04-DEC-2008 **Type:** BOARD OF EQUALIZATION HOLD
Hold Date: 17-SEP-2009 **Type:** FRANCHISE TAX HOLD
Escrow
. . . No Escrow found . . .

- - - End of Report - - -

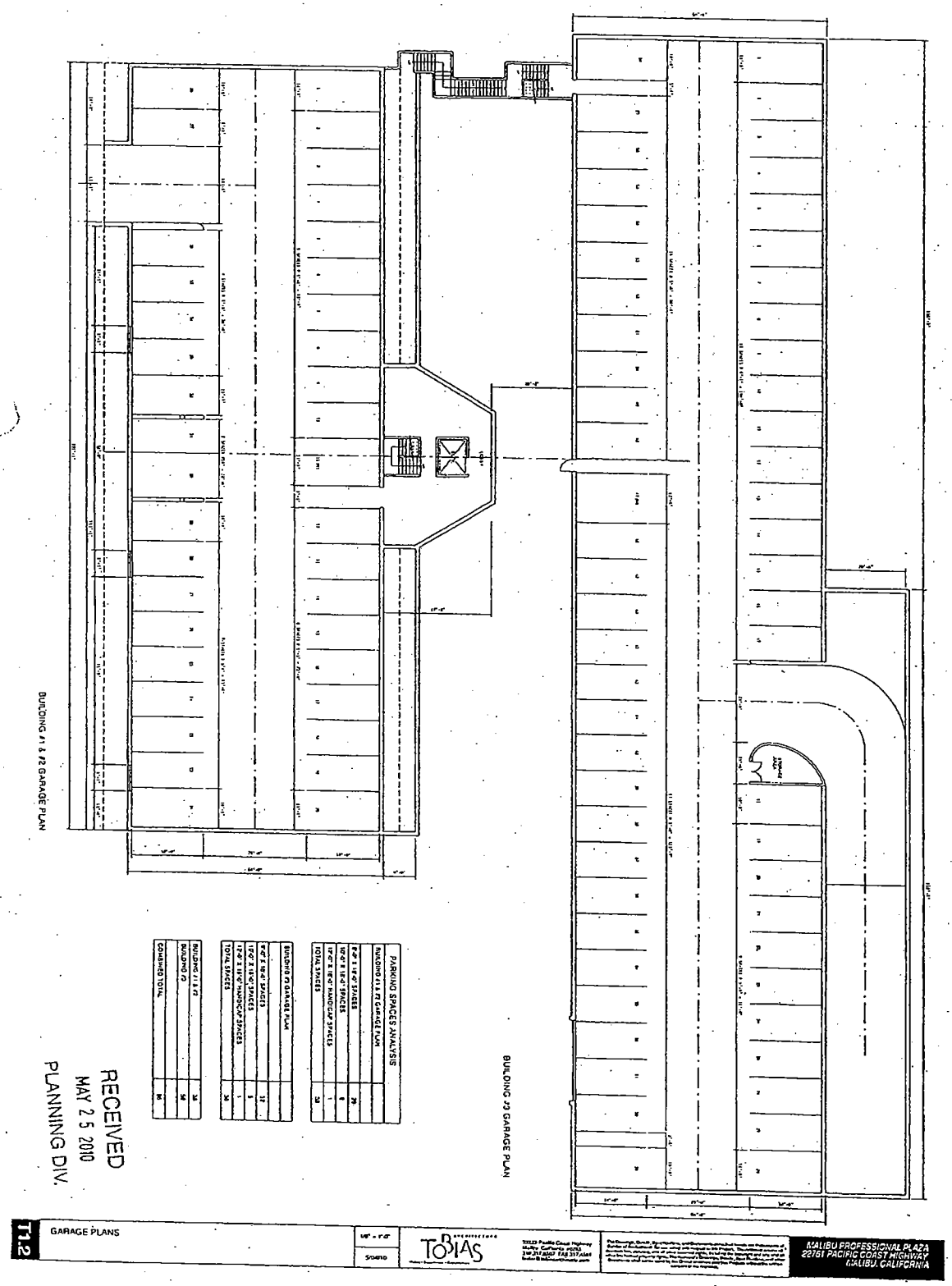
For a definition of codes, view our glossary.

Attachment 9

OFFSITE PARKING ANALYSIS



22761 PCH



– PARKING PLAN –

22761 PCH

the Beachcomber Cafe

Malibu Pier • Crystal Cove

RECEIVED
JAN 22 2010
PLANNING DEPT.

January 19, 2010

City of Malibu Planning Department
23815 Stuart Ranch Road
Malibu, CA 90265

RE: Malibu Inn – Pending CUP Applications
22969 Pacific Coast Hwy.
Malibu, CA 90265

Senior Planner Stephanie Danner,

As the operator and Vice President of The Beachcomber and Ruby's Diner on the Malibu Pier at 23000 Pacific Coast Highway, I am writing this letter in support of the requested conditional use entitlements for the Malibu Inn restaurant.

It may seem slightly odd for me as a competitor in such close proximity of the Malibu Inn to state our support, but I have had the opportunity to speak personally with a lot of visitors and locals alike over that past two years. The stories and fond memories are an asset to the Malibu Community and it would be a shame to lose the elements of the Malibu Inn that have made it such an important part of the community. The area South of Cross Creek is in need of neighborhood restaurants and other venues to meet the needs of Malibu residents and visitors, and the Malibu Inn restaurant has such a fantastic history within Malibu, much like the Malibu Pier that we see only a very promising future.

So, in accordance with applicable zoning regulations and the recent approval of similar projects, this proposed Conditional Use request for The Malibu Inn restaurant will be complimentary to the local neighborhood as it exists today. We respectfully support and request your approval for this restaurant.

Thank you,

Tad Belshe
Vice President, Operations
Beachcomber/Ruby's Diner
23000 Pacific Coast Highway
Malibu, CA 90265

557 Wald, Irvine, CA 92618 • Te[illegible]-8476 • Fax: (949) 644-462

Attachment 10

February 26, 2010

RECEIVED
MAR 11 2010
PLANNING DIV.

City of Malibu Planning Department
23815 Stuart Ranch Road
Malibu, CA 90265

RE: Malibu Inn – Pending CUP Applications
22969 Pacific Coast Highway
Malibu, CA 90265

Senior Planner Stephanie Danner,

Being a local business merchant for 35 years and current Chamber of Commerce Member and former Board Member, I am writing this letter in support of the requested conditional use entitlements for the Malibu Inn restaurant.

The community along this portion of Pacific Coast Highway is a vibrant restaurant/café dining and commercial area full of neighborhood and tourist amenities. It services a wide variety of patrons, and as such benefits from a variety of services. The continued operation of the Malibu Inn restaurant would further strengthen this area as a vibrant commercial corridor and tourist destination.

As Master Concessionaire of the Malibu Pier State Park, I can attest to the advantages of including the Malibu Inn as one of Malibu's world renowned tourist attractions and local go-to spot for locals and out-of-towners alike. I have the utmost confidence and respect for the new owners and their vision of maintaining the integrity of this historical site, which has been in existence since the early 1920's. The Malibu Inn, much like the Malibu Pier, has a history of serving and entertaining the residents and visitors of Malibu, and as such should be allowed to continue offering the same services that it has for decades.

So, in accordance with applicable zoning regulations, and the recent approval of similar projects, this proposed Conditional Use request for the Malibu Inn restaurant will be complimentary to the local neighborhood as it exists today. Please understand that we need more visitor serving conveniences in this part of town.

Thank you,

Jefferson "Zuma Jay" Wagner

Rabbi Levi Cunin

22933 Pacific Coast Highway
Malibu, CA 90265
Phone: 310-456-6588
E-mail: rabbi@jewishmalibu.com

B"H

RECEIVED
MAY 25 2010
PLANNING DIV.

May 18, 2010

To whom this may concern:

I am writing this letter to behalf of Mr. Kambiz Hakim from the Malibu Inn, a friend and neighbor. Mr. Hakim has been a supporter of our organization for a few decades and continues to be a supporter. He continues to demonstrate the characteristics that one hopes for in a neighbor as demonstrated in our dealings.

As one of the few neighbors that live in such close proximity to the location, we are directly affected by any decision made. I feel very comfortable with Mr. Hakim and I write to you in the hopes that he be given the necessary tools to turn the Malibu Inn into a respectable business. I believe that an establishment run by Mr. Hakim would do well for himself, his neighbors and the community at large.

Please consider The Malibu Inn for the permits needed for alcohol sales.

If you wish to discuss this matter further, please feel free to call me at (310) 849-5602.

G-d bless you.

Sincerely,

Rabbi Levi Cunin
Chabad of Malibu

Robert J. Allan
Trustee
Malibu Property Trust
23018 Pacific Coast Highway
Malibu, CA 90265

RECEIVED
MAR 22 2010
PLANNING DIV.

March 17, 2010

Via Registered Mail, Return Receipt Requested

City of Malibu Planning Division
23815 Stuart Ranch Road
Malibu, CA 90265

Re: Courtesy Notice of Proposed Project/Conditional Use Permit No. 09-009 for a development located at 22969 Pacific Coast Highway, Malibu Café and Restaurant at the Malibu Inn ("Malibu Inn")

To whom it may concern:

We write to express our concerns about and objections to the proposed Conditional Use Permit for the Malibu Inn.

Our property is located across the street from, and within five hundred feet of, the Malibu Inn. I, and now my family which includes two elementary school children, have resided at this property for over 20 years. During that time, as the numerous complaints we have filed with the City of Malibu ("Complaints") reflect, we have had numerous problems with the various owners/managers of the Malibu Inn which have interfered with our right to the quiet enjoyment of our property.

The most frequent problem which was the subject of our Complaints involved extremely loud music being played after 10 PM at night every night. The owners/managers of the Malibu Inn would often have live bands perform, play prerecorded music or offer karaoke nights and drink specials that would go on until 2 AM. Many nights amplified music would be played over unpermitted, large, outdoor speakers located on the exterior patio where large groups of people would gather.

After several conversations and meetings with the representatives of the Los Angeles County Sherriff's Department ("LACSD"), we were told the Malibu Sound ordinance did not allow music or loud noises that can be heard by residents in the immediate vicinity of the source of the noise or disturbance after 10 PM. The various owners/managers of the Malibu Inn were all made aware of this ordinance by me and by the LACSD. However, each owner/manager disregarded the ordinance which ultimately resulted in a prosecution against one of the owners and managers for disturbing the peace.

Robert J. Allan
Trustee
Malibu Property Trust
23018 Pacific Coast Highway
Malibu, CA 90265

Mitch Stewart, the last owner of the Malibu Inn changed it from a restaurant to a music venue. He took steps to soundproof the stage area, keep the doors closed, keep the patio speakers off and reduce the number of people on the patio after several complaints had been made first to him and then to the LACSD. The LACSD came to the Malibu Inn on several occasions in response to complaints about violations of the Malibu Noise Ordinance from me, my wife and several other neighbors including Klaus Obermeyer who owns and resided at that time at 23006 Pacific Coast Highway.

The stereo system at the Malibu Inn had a very heavy bass beat. It was so strong at times that it could be felt throughout our home. We had problems reaching the management. They often would not answer the phones and well after midnight at times, we would have to actually go into the restaurant and find the manager to request that the music be lowered. The management would generally act in a hostile manner, refusing to lower the music and telling us if we had a problem we should call the police.

The owners prior to Mitch Stewart were also extremely difficult to work with. Some of our worst experiences were on Karaoke nights when at midnight or later, a few intoxicated people would sing at the top of their voices through the speakers. The manager refused to turn down the music. The owner only stopped this practice after the LACSD cited the manager with disturbing the peace and the manager was charged by the District Attorney. The Malibu Inn was sold to Mitch Stewart shortly thereafter.

In addition, many of the patrons, too intoxicated to drive home, would loiter in the parking lot, talking loudly, or go to the beach afterwards in front of our home and continue to party. We have also been the victim of a breaking and entering by a person who was intoxicated at the time. Our car and our neighbor's car which were parked on PCH in front of our homes were hit by drunk drivers. Another drunk driver smashed through our front gate and a month ago our car was vandalized in front of our home.

In addition to our personal experiences, we hope the following issues will be considered when making a decision whether to grant a CUP and Alcohol license to the Malibu Inn:

1. The Malibu Inn is located within 500 feet of a religious organization, the Chabad of Malibu, a preschool and a Hebrew school run by the Chabad of Malibu, all of which are immediately adjacent to the Malibu Inn parking lot.

2. The Malibu Inn is located within 300 ft to 500 ft of several single family residences whose right to quiet enjoyment will be severely interfered with if alcohol, loud

Robert J. Allan
Trustee
Malibu Property Trust
23018 Pacific Coast Highway
Malibu, CA 90265

music and entertainment are allowed. For example, the Malibu Inn often had concerts and hundreds of young attendees would loiter around after the concert, often intoxicated. Many of them would walk by our property after midnight, yelling and screaming as they walked back to their cars.

3. There is an undue concentration of licenses for the sale of alcoholic beverages in the area. Directly across the street from the Malibu Inn is the Beachcomber restaurant, the Malibu Pier Club and Ruby's, all of which offer alcoholic beverages. In addition, the Malibu Pier Club offers live entertainment. The Pier also hosts several events, from parties to weddings, all of which involve alcohol, loud music, large crowds, and late night activity. Carbon Beach Inn, the hotel south of the Pier also has a restaurant and bar and a few hundred feet further south on PCH is another restaurant/bar named Charlie's.

Our neighbors also feel very strongly about these issues. When Malimo's LLC applied for an alcohol permit, before the Beachcomber leased the Malibu pier, every resident from our neighborhood attended the public hearing to oppose the license.

We hope the planning division can assist in preventing or minimizing the harmful impact to our right to the peaceful and quiet enjoyment of our homes, the public peace, and the potential burden on law enforcement from the proposed activities of the Malibu Inn.

Please feel free to contact me with any questions.

Kindest regards,

Robert J Allan, Trustee
Malibu Property Trust

Under new ownership, we are anxiously anticipating the approval of our liquor and entertainment liscenses. Would you kindly sign this petition in support of the Malibu Inn attaining these liscences to provide better service, atmosphere, live music and a bar scene to the Malibu community for years to come...

	Signature	Name	Address
1		Larry Boerrigter	2400 Palos Verdes Dr W #6, Palos Verdes Est CA 90274
2		Chris Boerrigter	2400 Palos Verdes Dr. W. #6 Palos Verdes Est, CA 90274
3		JEFFRY SPENCER	1767 WILSHIRE BLVD #1, LOS ANGELES, CA 90024
4			23685 Sea Pearl CA 91403
5		Katie Levine	3315 Grand Burbank, CA 91501
6		JOYCE WEDSELTOFT	1370 E. Orange Grove Bl, Pasadena CA 91104
7		C. BOENKHORN	PO Box 2002 Santa Monica, CA 90406
8		THOMAS G. BUCK	4500 Via Marina #419 Marina Del Rey, CA 90066
9		Emilie Arbaugh	5990 E. Placita Alta Reposa Tucson, Az. 85750
10		Zach Cavaletta	101 N. Tyndall Ave Tucson Az 85750
11		Casey Cooper	331 Rodgers St Ventura, CA 93003
12		Tim Conner	331 Rodgers ST Ventura Ca 93003
13		AVelasco	1027 1/2 1st st. Los Angeles CA 90024
14		Brittni Wood	8757 Canby ave apt 109 Northridge CA 91325
15		Tasha Ward	26223 Inadale Way Malibu CA 90265
16		Henry Ward	26223 Indianola Way Malibu 90265
17		Kevin Fern	1915 Cove Ave #A Palos Verdes, CA 90275
18		Liz Cruz	5570 Hidden Valley Circle #205 Culver City CA 90230

19		Kim Adams	3131 Bagley Ave #7 LA, CA 90034
20		Carol Tarn	1915 Curtis Ave #A, Redondo Beach CA
21		Skyler Peck	2870 Point Dume Dr Malibu CA 90265
22		John Hinrichsen	23852 Pacific Coast Hwy #252 Malibu CA 90265
23		Hermenio Carrillo	3503 Las Flores Canyon Rd. Malibu, CA 90265
24		Emily Peterson	137 S. Spalding Dr #104, Beverly Hills CA 90212
25		Lisa Sickolow	29500 Heathercliff Rd., Malibu CA
26		Steven Sickolow	29500 Heathercliff Road, Malibu
27		Mary Madden	
28		Brent Maddock	2621 33rd St. Santa Monica CA 90405
29		Anthony M. Hawkins	Alhambra, CA 91801
30		Mark Byrnes	UCLA Campus, Los Angeles CA 90095
31		Madelin Hoekzema	5300 S Atlantic Ave #11601, New Smyrna Beach, FL 32169
32		William H. Yarber II	5300 S. Atlantic Ave #11601, New Smyrna Beach, FL, 32169
33		Douglas J Gilbert	2602 Captains Ave, Port Hueneme CA 93041
34		VIRGINIA GILBERT	2602 Captains Ave Port Hueneme CA 93041
35		Nancy Vogel	210 Bernard Ave. Venice, CA. 90291
36		TERRY PETIT	29665 Quail Run Dr. Agoura Hills CA 91301
37		VALERIE WILKINSON	200 N. Huntington Dr. #207 ALHAMBRA 91801
38		Scott Hamilton	1161 Buckingham Dr. Moorpark, CA 93020

39	[signature]	Jennifer Kramer	92 Macgan Pl #9, Thousand Oaks CA 91362
40	[signature]	Diane Wachs	31273 Bailard Rd. Malibu, CA 90265
41	JEFFERSON WAGNER	[signature]	22775 P.C.H. MALIBU, CA. 90265
42	LEJI CUNIN	[signature]	22933 P.C.H. Malibu, CA, 90265
43	Paul Bakker	[signature]	32832 P.C.H. Malibu Ca 90265
44	DAWN GONZALES	[signature]	17734 Devonshire St, Unit 2 Northridge CA 91325
45	DAN LOUNSBURY	[signature]	2164 DECATUR #18 SAN DIEGO CA 92106
46	Randy Meyrette		800 Florida st. Huntington Beach CA 92648
47	[signature]	D. K. Robinson	637 Fairwood Crescent Woodburn Or. 97071
48	[signature]	Mark A Beesley	28471 CATECA Ave Saugus ca 91350
49	[signature]	Robin Kay	5214 Calabrana Drive, Woodland Hills, CA 91364
50	[signature]	John DeCoster	23852 PCH #469, Malibu, CA 90265
51	[signature]	Mira Chen	23852 PCH #717, Malibu, CA 90265
52	[signature]	Max Lile	1873 10th St. Unit C Santa Monica, CA. 90404
53	[signature]	Ashley Lile	"
54	Chris Reneau		3063 West Chapman Ave, Apt 2282, Orange 92868.
55	[signature]	ANDREW PEREZ	"
56	[signature]	GIOVANNI FERRI	"
57	[signature]	Kirk Farris	984 8th St, Santa Monica, CA 90404
58	[signature]	BRET WELLS	5314 Wilma St Torrance Ca 90503

59		Mat Shelburne	210 Larsson St. M.B. 90266
60		Christie Hills	8539 De Soto Ave #203 Canoga Park, CA 91304
61		Edward Stevens	690 S. Charles Dr. #4 Thousand Oaks
62		John Elman	23901 Civic Center Way #229 Malibu 90265
63		LEE ELMAN	" " "
64		Carolina	SWEDEN.
65		Shawn Hanson	101 N. Victory Blvd #L-120. Burbank CA 91502
66		Linda Gross	3138 S Barrington Ave #G Los Angeles 90066
67		Steve Millar	Van Nuys CA 91406
68		Kelly Sweeney	Agoura Hills, CA 91301
69		Dawn Armstrong	Glendale, CA 91206
70		Jenny Gutierrez	Beachwood Dr, Los Angeles 90068
71			
72		E.J Curcio	4804 Lanza Cyn Blvd #33 Valley Village 91607
73		David Kramer	19534 Clark St. Shermanoaks CA 91411
74		Ana Missakian	10005 Cone St. N. Hollywood 90029
75		GLENN FISCHER	TOPANGA CYN LA CA 90290
76		ALAN LING	Newbury Park CA 91320
77		Jami	Simi Valley CA 93065
78		DAVID CASIANO	8132 Jumilla Ave Winnetka CA 91306

79		CAROL DEJONG	1245 FITZGERALD Rd "C" Simi Valley CA 93065
80		PAUL SALOMON	4691 BIDWELL ST SIMI VALLEY CA 93065
81		Linwood Small	3291 GRAFTON ST SIMI VALLEY CA 93063
82		H.A. Goldstein	10021 CANOGA AVE Chatsworth CA 91311
83		Kimberly Richardson	27940 Solamint Rd. Apt 10-103 Canyon Country, CA 91387
84	Jeannie Garver	Jeannie Garver	1055 Waltham Rd, Unit D, Simi Valley, CA 93065
85		Kevin Goldstein	10021 Canoga Ave Chatsworth CA 91311
86		JERRIDGE JR	13578 STANSTEAD AVE NORWALK CA 90650
87		RICARDO OCEGUERA	1131 WALNUT CYN. RD. MOORPARK CA. 93021
88	Chris Fuentes	Chris Fuentes	1713 ½A Cochran ave Simi Valley CA 93065
89	GLEB GOFIN		655 2ND ST, HB, CA 90254
90			22445 PCH Malibu 90265
91			10290 PRINCE 93021
92			6611 SMITH & Dr. Oak Park CA 91377
93		RICK MEDAGE	17429 LAHEY STR. GRANADA HILLS, CA 91344
94		Josh Beadel	6746 Turnergrove Dr Lakewood CA 90713
95		Pam Beadel	6746 Turnergrove Dr. Lakewood CA 90713
96		ROBERT MACKENZIE	PO BOX 914 REDONDO BEACH, CA 90279
97		ROBERT GILLIAM	15655 Willow DR. FONTANA, CA 92337
98		SHEILA VAUGHAN	2891 Chestnut Long Beach 90806

99		ALEX NASH	2891 CHESTNUT AVE LONG BEACH 90806
100		Nicole Tennet	638 Landfair AVE D Los Angeles CA 90024

Under new ownership, we are anxiously anticipating the approval of our liquor and entertainment liscenses. Would you kindly sign this petition in support of the Malibu Inn attaining these liscences to provide better service, atmosphere, live music and a bar scene to the Malibu community for years to come...

	Signature	Name	Address
1		Charles Tenet	655 Gayley Los Angeles CA 90024
2			9029, 20th ST. SANTA MONICA, Ca. 90405
3		Tim CAHILL	3570 Windbrook Creek Rd, Sacramento, CA 95864
4		LAURIE BELL-CAHILL	3510 WINDBROOK CREEK RD, SACRAMENTO, CA 95864
5		Douglas Cannon	111 Forest Hill Dr. Topping Cove Tx 76262
6		Nicid Bradshaw	717 Dartwood Richardson TX 75080
7		Robert Wyatt	#273 PCH Malibu, PCH 90265
8		Karen Zoffness	4490 Encanto Cyn, Malibu 90265
9		JASON FELTS	23679 CALABASAS RD. #980 CALABASAS CA 91302
10		Justin Berfield	2337 Abbot Kinney Venice, Ca 90291
11		LOGAN FELTS	10100 SANTA MONICA BLVD 1300 LA, CA 90067
12		Gina Felts	24944 Lorena Drive Calabasas, CA 91302
13		JOHN FELTS	11589 Trailbrush Pt. San Diego CA 92126
14		Lorelei Larsen	21663 P.C.H. Malibu CA 90265
15		LARRY LARSEN	" "
16		McVicar McNicol	19425 Soledad Cyn Rd #235 Canyon Country CA
17		Barry M. Ingram	23724 Sandalwood St West Hills CA 91307
18		JUDI MILGRAM	23724 Sandalwood St. West Hills CA 91307

	Signature	NAME	ADDRESS
19		Dennis Morgan	Dennis Morgan Lonations.com
20		Jonna Giovanna	Jonna Giovanna @ yahoo.c
21		Martin Hameline	22917 PCH, Malibu CA
22		Silva Hameline	22917 PC H Malibu
23		JAlvinito	591 Camino de La Reina SD CA 92108
24		Linda Leibovitch	19710 PCH Malibu Ca
25		Sye Leibovitch	19710 PC H Malibu Ca
26		ERIK POLLOCK	6200 DE SOTO AVE. APT 354 02 WOODLAND HILLS, CA 91367
27		RICARDO RUANO	10568 MARKLEIN AVE MISSION HILLS CA 91345
28		Luis Rodas	7031 KEOKUK ave winnetka CA 91306
29		S. Beach	500 S Buena Vista St Burbank CA. 91521
30		Brian Neimeyer	617 S. PCH Redondo Beach CA 90277
31		Rita Neimeyer	617 S PCH Redondo Beach, CA 90277
32		Joey Diamond	4712 Poe Ave. Wills CA 91364
33		Mike Nowell	247 Gazania ct. Thousand Oaks, Ca. 91361
34		JOE ROMAN	EL CAMINO DR Beverly Hills CA 90210
35		ALISON FIFER	BASCULE AVE, WOODLAND HILLS CA 91364
36		George Kulcsar	Bixby Village Dr, Long Beach, CA 90803
37		Gary Reyes	18524 Los Alimos, Northridge CA 91324
38		Hilary Reyes	5753 Mammoth Ave Van Nuys CA 91401

39		Dana Lazzereschi	3742 Hughes Ave. Apt. 201, LA CA 90034
40		Corey Feld	9959 Westwanda., Bev Hills CA 90210
41		Heather Schmidt	9959 Westwanda Dr. Bev Hills CA 90210
42		Sebastian Franklin	20710 PCH Malibu CA 90265
43		Annie OConnor	22447 1/2 PCH unit C Malibu CA 90265
44		Gary Clarke	1466 Calle Magnesolia T.O. Ca. 91360
45		Shawn Edwards	5570 Shadow Canyon Place, Westlake Vlg. CA 91362
46		John Frace	97 Village Circle, MB. CA 90266
47		Dave Cavenagh	PO Box 3895 MANHATTAN BEACH CA. 90266
48		JACK WELCH	3512 Multiview Dr. Los Angeles CA 90068
49		Glen Rotella	523 BOLSA WAY OXNARD CA 93036
50		Tobby Engle	11228 Franklin Ave. Culver City, CA 90230
51		Apolonic Bark	3941 Glendon Way Culver City, CA 90232
52		Sue Williams	Northridge
53		JERRY WILLIAMS	"
54		JIM ROACH	75 LITTLEJOHN LN WESTLAKE VLG. CA 91361
55		VICKIE ROACH	75 Little John LN Westlake Village CA 91361
56		Valerie Ellis	9636 Penfield Chatsworth 91311
57		TYSON LANGERAK	MALIBU CANYON
58		DANIEL SADA	18334 BLYTHE ST., RESEDA, CA 91335

59		Penny GRAYSON	30 Quarterdeck Marina del Rey, CA 90292
60		David Lutfy	29524 Meadowcrest Agoura Hills, CA 91301
61		[illegible]	12435 Pacific Ave. San Francisco CA
62		Michael Soto	12422 Haskell Ave. Los Angeles, CA 90066
63		Mallory OBrien	23926 DeVille Way B Malibu, CA 90265
64		Chad Powell	1005 Cardiff Dr, Crystal Lake, IL 60014
65		Robin Atkinson	602 Manhattan, Joliet, IL 60483
66		Tony Thomas	5810 N. Las Virgenes Rd #394 Calabasas CA 913
67		Ben Thomas	1060 Santa Monica blvd #1300 90067
68		John HAYS	540 ARENA ST EL SEGUNDO 90245
69		JAVIER CASTRO	12700 WESTERN AVE GARDEN GROVE CA 92841
70		Samuel Castro	611 N. Euclid Ave. Ontario CA 91762
71		Leonardo Lopez	8714 N/C Callum St Downey CA 90242
72		Rut Gallardo	8714 Mc callum st Downey CA 90242
73		George M Perez	P.O. Box 831 La Mirada CA 90637
74			16558 B. HARLOST LB, CA 90808
75		Lupe Ceballos	5117 Oakland ST LA CA 90032
76		Jose Franco	610 Cross Av Los CA 90032
77		Anthony Cardenas	600 W. Main St. #200 Alhambra, CA 91801
78		[illegible]	2505 S. Sleepy Spring way H H CA 91745

79		JOE M GARCIA	742 N SOLDANO ave AZUSA CA 91702
80		ALDO NAVARRO	1132 S PIMA AVE W COVINA CA 91790
81		GREG HUTTO	22357 PCH. Malibu CA. 90265
82		NATALIE MILLER	54 S. GUADALUPE AVE, VNA. REDONDO BCH CA 90277
83		[illegible] Edmond	11041 Santa Monica BLVD LA CA 90025
84		Charles F Chandler	1353 Club View Drive La Ca 90024
85		Natalie Chandler	1353 Club View Dr. LA CA. 90024
86		Rebecca Chandler	1353 Club View Dr LA 90024
87		Bradley Meyer	1901 Highland Dr. SNB, CA 92405
88		Christina Reisenweber	13953 Panay Way #213 MdR 90292
89		Charles CJ Hefner	8430 Burton Wy Apt 401
90		DANIA SOISETH	22828 PCH. MALIBU CA 90265
91		MARY VERNA	4308 Coquette Pl, TARZANA, CA 91356
92		Linda West	835 4th St. Santa Monica, CA 90403
93	Debbie Longridge	Debbie Longridge	439 Elmwood Ave, Burbank 90505
94	DAVE HOSECK	DAVE HOSECK	PO Box 1626 TUPANGA CA 90290
95		Larry Peterson	22181 TORO HILLS Dr. SALINAS CA 93908
96		R L Lebedeff	
97		MORGAN MARY	1920 DOROTHY ST#301 LACA 90049
98		DANIEL KHADISHA	526 S BEVERLY DR. Suite 526 BH CA 90212.

99	R Coultrap	Ronda Coultrap	Stanford St. Santa Monica CA
100	Ray Coultrap	Ray Coultrap	Stanford St. Santa Monica, CA

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	Signature	Name	Address
1	Julie Semmler	Julie Semmler	2120 4th St. #15, Santa Monica, CA 90405
2	A. Brumfield	A. [illegible]	2120 4th St #15 Santa Monica CA 90405
3	Bruce H. Brown	Bruce Brown	20227 STAGE ST. WINNETKA, CA 91306.
4	Terri Brown	Terri Brown	" " " "
5	Emil Herian	Emil Herian	19130 Pacific Coast Hwy #1, Malibu CA 90265
6	Joe Feese	Joe Feese	18830 PCH, Malibu, Ca. 91320
7	Darryl Parker	Darryl Parker	25546 Fedalia Rd Valencia CA. 91355
8	John Clarizio	John Clarizio	13171 Denny St. L.A Ca 91606
9	Kathy Preston	Kathy Preston	1052 ~~Wood~~ Inrod Court, Westlake Village, 91361
10	Zachary Love	Zachary Love	6000 De Soto Ave APT #340 Woodland Hills, CA 91367
11	Brian McCallum	Brian McCallum	2491 Giles Hill Rd Bunker Hill WV 25413
12	George Pierce	George Pierce	100 Green Wood Ave Winchester Va. 22602
13	Michele Gardiner	Michele Gardiner	20652 Kittridge St. Winnetka, CA 91306
14	[illegible]	GARDINER	20652 KITTRIDGE ST. Winnetka, CA 91306
15	[illegible]	BRETT SMITH	29235 HEATHERCLIFF DR. MALIBU, CA. 90265
16	[illegible]	Colin Bright	23926 Del Ville Way, Malibu CA 90265
17	Valli Rosen	Valli Rosen	21500 Califa St. #142 Woodland Hills CA 91367
18	[illegible]	Curtis Rosen	" " " " "

19		Tony CiRaelo	22144 Costanso St Woodland Hills CA 91364
20		Dina Zune	7522 Linley ln. West Hills Ca 91304
21		Chris Wizer	23033 PCH, #218 Malibu CA 90265
22		Aries Sailors	28244 Driver, Agoura Hills, CA 91301
23		Gary Sailors	28244 Driver, Agoura Hills, CA 91301
24		Marie Amato	8310 Joan Lane West Hills Ca 91307
25		Jenny Shattuck	543 Arroyo Ave Santa Barbara Ca 93109
26		Bobby Wife	2229 Graham Ave Redond. Beach CA 90278
27		Bob Weatherman	22781 Canyon Lake Dr N, Canyon Lake CA, 92587
28	Barbara Weatherman	Barbara Weatherman	22781 Canyon Lake Dr. N. Canyon Lake, Ca 92587
29		James Clark	1004 Henderx Ave Thousand Oaks CA 91360
30		Jeff Williams	1453½ Riverside Dr Toluca Lake CA 91602
31		Kimi Perlmutter	5201 San Feliciano Dr Woodland Hills CA 91364
32		Dawn Cramer	80 Farland Newburypark Ca 91320
33		Ed Pitzerald	225 Madrona Newbury Pk. CA. 91320
34		L.F. del Valle	1707 Sepulveda Blvd #115 Manhattan Beach CA 90266
35		Jeff Redman	29390 Reyde Copas Malibu, CA 90265
36		Richard Peck	17366 Sunset Blvd. Pacific Palisades, CA 90272
37		Mark Schum	65700 Seaward Rd Atascadero, CA. 93422
38	Katherine Naster	Katherine Naster	3324 West Ave. L Lancaster, CA 93536

39		Jessica Ralph	3153 e ave h-2 lancaster, Ca
40		DAN BRUINATON	4525 del Rayo Ct Camarillo. 93012
41	Charmaine	Brungton	" " " " "
42		Alfie Jacks	
43	Susan Saunders	Susan Saunders	83 Silver Lake Av, Wakefield, RI 02879
44		[illegible] BAKA	1357 3/4 N. MANSFIELD AVE HOLLYWOOD 90028
45			1640 Riverside Dr Glen, CA 91201
46		Jay Cox	1131 Alta Loma Road #304, West Hollywood 90069
47		Chris Decker	6451 Orange St #103 LA, CA 90048
48		DEBORAH SAMUE	203 Hitchcock Way SB
49		REY VILLALOBOS	203 Hitchcock Way SB
50		Shannon Ankes	2535 Fenton St Edgewater, Co. 80214
51		BLAZKOVA EVA	2137 Fenton St. Edgewater, CO 80214
52		Belen Trevino	29525 Cliffside Dr Malibu CA 90265
53		Virginia S. Gassel	29925 Cliffside Dr. Malibu, CA 90265
54		RYAN BAILEY	1890 N Hillcrest DR Newbury Park, CA 91320
55		Kelly Bailey	1216 Settlers Way, Seguin, TX 78155
56		Derri Greene	6932 S. Niagara Ct. Centennial CO 80112
57		Chuck Greene	6932 S. Niagara Ct. Centennial CO 80112
58		MICHAEL KEEL	2045 AVENIDA REFUGIO #1 Simi Valley CA 93063

59	Dave Tworaga		6480 Katherine RD Spc 79 Simi Valley
60	STEVE KOWAL		3650 EMERALD ST. #T1 TORRANCE, CA. 90503
61	Barbara Kowal	Barbara Kowal	3650 Emerald St #T1 Torrance CA 90503
62	Jonathan Dun		1111 Via Marina Marina Del Rey
63	Mor Cohen		4718 Rhapsody Dr Oak Park, CA 91377
64	Elizabeth Hebert		4718 Rhapsody Dr. OP, CA 91377
65	Melissa Viren		339 Avenida de Royale WLV CA 91362
66	Tom Viren	Tom Viren	31410 Lobo cyn Agoura CA 91301
67	Debbie Viren	Debbie Viren	31410 Lobo cyn Agoura CA 91301
68	Melinda Viren		4124 Higuera St Culver City CA 90232
69	Tony Stewart	Tony Stewart	6731 Wandermere Rd. Malibu CA 90265
70	Steve Harrison	Steve Harrison	5885 Wheelhouse Lane Agoura, CA 91301
71	Richard Seaman		7823 Vicky Ave West Hills CA 91304
72	Tayne Sierra		12100 Wilshire Bl. LA 90025
73	MYKE [illegible]		POB 801656 SC CA 91380
74	PATRICK BERON		6617 Denny Ave Nth Ca 91606
75	BILL HORGAN		1516 Maple ST. Santa Monica 90405
76	Mary Cheng		1712 N Maclay Ave San Fernando, CA 91340
77	Mike Cosentino		5216 Mildred st Simi Valley CA 93063
78	Corrine Cosentino		5216 Mildred St Simi Valley, CA 93063

79	D DAMORI	D Dr	11747 Sunset Blvd. LA CA 90049
80	G. Bongiorno	Gerri Bongiorno	5356 Rhea Ave Tarzana Ca 91356
81	R Bongiorno	R Bongiorno	" " " " " "
82	F. INGRAM		4744712 ADMIRALTY WAY MARINA DEL REY CA, 90292
83	A. MORTE		4750 LINCOLN BLVD. MARINA DEL REY CA. 90292
84	J. EVANS		13752 HOSPITAL RD. NEWPORT BCH CA. 92660
85	E. Allen		202 Valencia #4, San Francisco Ca
86	A. ANDERSON		12087 LA SALLE GARDENA CA
87	C. SCHROEDER		318 MONTECITO AVE CORONA CA 93479
88	M. MILLARD		3815 VOLK AVE LONG BEACH CA 90808
89	J. [illegible]		28 Mountain Ave, Shell Beach, Ca. 93449
90	L. Davis		5917 Calvin, Tarzana CA 91356
91	R Bassett		1752 Hackberry Knoll Deerfield IL 60015
92	O. Sweetman		446 Monterey Blvd. #F2 Hermosa Beach, CA 90254
93	G. Altman		812 Vernon Ave #103 Venice, CA 90291
94	S. Aust	S. Aust	650 Jordan Ave Chico CA 95926
95	R Campbell	R Campbell	650 Jordan Ave Chico CA 95926
96	Alex Anagnostopoulos		6230 A Wilshire Blvd Suite 1140 La Ca 90048
97	Kristina Rio		6068 Weeping Banyan Lane, Woodland Hills, CA 91367
98	Dave Colleton		13763 Comet St. Van Nuys Ca 91405

99	Jim Doran	Sue Doran	22826 Erwin St W. Hills CAL. 91367
100	[signature]	BRAD CHELSTROM	11104 AGUA VISTA #18 N. ~~Hollywood~~ Hollywood CA 91602

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	Signature	Name	Address
1		Kristal D.	lawndale, Ca. 90260 (cute place ☺)
2		Erik R	W. Olympic Blvd. & S Robertson Blvd 90035
3		Dean Martin	104 Glenbrook cove cam. ca 93010
4		DEAN RUSAS	395 DEL MONTE CTR. #199 MONTEREY, CA 93940
5		BERNICE MCCABE	13316 W. Sunset Blvd 90049
6		JAMES MCCABE	13316 W SUNSET BLVD 90049
7		M CHAMBERS	3385 Telegraph Rd Vta 93003
8		S. Crowley	6171 Merritt Dr Malibu, Ca 90265
9		M CROWLEY	" "
10		Carol Kearon	391 Wisconsin Ave LB CA
11		Carolyn Evans	915 Ocean Dr. Mun. Bch CA
12		celtmail	1341 main st bath pa 18014
13		Vince Szabo	" " "
14		B. Ingram	3417 Sharebeidate Dr malibu
15		MJ Cash	2220 PCH Malibu, CA 90265
16		[illegible]	PO Box 1065, MALIBU, CA 90265
17		Chris Jensen	Nevada City 12784 Red dog RD 95959
18		D Bulfinch	110 N. Lima St Sierra Madre CA

19		JAY SUNDHER	BALLARD ROAD, MALIBU. CA
20		Joel Fisk	8345 White oak, Northridge, CA
21		[illegible]	[illegible]
22		Keith Beyer	401 Prospect St. Oak View, CA 93022
23		Andreas Balogh	3582 Smuggler Way, Boulder, CO 80305
24	STEVE THOMA	Steve Thoma	1410 E Cerritos Ave. Anaheim CA 92801
25	WARREN SHAFER	WFS	5707 TAMPA FL 33619
26	CHAS F SMITH	CFS	29081 FRUITVALE LN. VALLEY CENTER, CA 92082
27		JOHN INGRAM	19070 PACIFIC COAST HWY MALIBU, CA 90265
28		ROGER BERGER	678 Arroyo Oaks Dr, Westlake Village, CA 91362
29		Joseph Simburger	Agoura Hills, CA 91301
30		Cathy Cort	Simi Valley, 93065
31		DNA CASTANEDA	11027 MELODY PARK AVE 91345
32		Karin Coyle	1825 COLORADO CIRCLE 80027
33		[illegible]	5405 Corbin St Simi Valley, CA
34		Ben	20920 [illegible]
35		Biser	9092 [illegible] CA 93255
36		Amber Nino	141 Holly Ave, Cor, CA 93013
37		Nick Bensman	6200 De Soto Ave Apt. 3542 Woodland Hills, CA 91367
38		Kaizen Wright	2061 Ne La Guerra St Woodland Hills, CA

39	[illegible]	MARY L. MARTINEZ	5358 INGLEWOOD BLVD. Culver City, CA 90230
40	R. Roodselaar	R. Roodselaar	5356 Inglewood Blvd Culver City, CA 90230
41	S.M Roodselaar	S.M Roodselaar	3350 Mc Manus Ave Culver City CA 90232
42	Athenagoras Tzionas	Athenagoras Tzionas	7771 Timm rd Vacaville CA 95688
43	Amanda Zisset	Amanda Zisset	368 CROWNPOINTE CIRCLE, VACAVILLE CA 95687
44	Cesar Enos	Cesar Enos	3605 Burning Tree Dr. ONTARIO, CA 91761
45	Chad Heffley	Chad Heffley	557 S. Wrightwood St. Orange, CA 92805
46	Matthew Wisniewski	Matthew Wisniewski	8251 N. 97th. East Avenue Apt. 1419 Owasso, OK 74055
47	Matt Kubala	Matt Kubala	626 S. Burnside Ave Los Angeles, CA 90036
48	Kevin Gregor	K. Gregor	P.O. Box 43252 Port Hueneme, CA 93044
49	Alika Sinclair	A. Sinclair	P.O. Box 43252 Port Hueneme, CA 93044
50	Brandon Guitar	[illegible]	2750 ARTESIA BLVD #455, REDONDO BEACH, CA 90278
51	Stephanie Guitar	[illegible]	2750 ARTESIA BLVD REDONDO BCH, CA 90278
52	Murakami		
53	Tim Woods	[illegible]	781 Cornell Ave Long Beach, CA 90814
54	Stacy Mackey	Stacy Mackey	1016 Humboldt St. Manhattan, KS 66502
55	Cheryl Tillemans	[illegible]	130 Olinda Rd Big Pine, CA 93513
56	Giselle Almonza	Giselle Almonza	22653 Margarita Woodland Hills 91364
57	Rosecrans McLaughlin	Roberto Vaughn	2801 Ocean Park Blvd #366, Santa Monica, CA 90405
58	Sandra Gonsalves	[illegible]	5961 Piuma Ct. Simi Valley, Ca 93063

59	Megan Farrell		1214 N Harper, West Hollywood, CA 90046
60	Bill FARRELL		300 E 33 ST NY NY 10016
61	RAMON OSAKA		9760 MATILIJA AVE [illegible]
62	S.R. De Young		15506 HARVEST GRANADA Hills CA 91344
63	Scott Klingbeil		1425 S.E. 7TH ST GRESHAM OR. 97080
64	Roni Klingbeil		1425 SE 7th St Gresham OR 97080
65	Carol Schmidt-Clason	CAROL SCHMIDT-CLASON	8146 KENYON AVE LA, CA 90045
66	Gary R. Clason	GARY R. CLASON	8146 KENYON AVE LA, CA 90045
67	Judy Curley	JUDY CURLEY	1540 White Eagle Dr. Naperville IL 60564
68	Phil Curley	Phil Curley	1540 White Eagle Dr. Naperville IL 60564
69	Gary Conrad	GARY CONRAD	2701 LA PALMA AVE Anaheim 91728
70	Bill Clemens	Bill Clemens	5200 LA PALMA AVE Anaheim 91728
71	[illegible]	[illegible]	113 - 4940 VALLEYVIEW DRIVE CHILLIWACK B.C
72	T.J. ISE-BAIL		5490 LAS VIRGENES RD CALABASAS, CA 91302
73	Lisa Eidman		5542 Moorpark St Sim Valley CA 93063
74	Jeremy Tetherly		5700 Arlington Ave, Apt 22W BRONX NY 10471
75	[illegible]	Jay Carter	5701 Arlington Ave Bx NY 10471
76	SARAH PILATO		1524 N. Sycamore Ave. Fullerton CA 92831
77	Matt Dimond		29500 #38 Malibu CA 90265
78	Will Ridge		8475 Rosewood Ave CA 90048

79	Stacey Wooten	Swoot	9145 Rosewood Ave W. Hollywood CA 90046
80	Henry T.	miller	131 Entrada DR. #6 S.M. 90402
81	Jon	Schwartz	28966 Mecca Mesa Rd Agoura, CA 91301
82	Lauren	Semple	1181 McClena Dr. Brentwood, CA 90049
83	Tiffany	Betts	[redacted] 23308 Bacana St Malibu CA 90265
84	Rick Betts	Betts	23308 Bocana St. Malibu CA 90265
85	Zack	Shacklee	23308 Bocana St Malibu CA 90265
86	Zac Robichaux	TAD ROBICHAUX	948 PALM AVE, W. HOLLYWOOD, CA 90069
87	KEITH	KEITH NADOLNY	1011 9th ST #3 MIAMI BEACH FL 33139
88	Angelo	Angelo Torrealba	4623 Goldwater Canyon Studio City. CA. 91604
89	[illegible]	Nelson Kadison	C/Sant Dalmau 6C, 1.2 08870 Sitges, Spain
90	Jose	Jose Luis	920 NW 20 AV. Miami FL.
91	Raul Diaz		1011 9th ST Miami, FL
92	Ty Gibson	Ten Gibson	6731 Wandermere Rd. Malibu CA
93	Mayan Sam	MARY ANN SERNA	7823 Vicky the WEST HILLS CA 91307
94	Chantal Hanson	Christine Hanson	3385 Wheelhouse Lane, Agoura Hills CA 91301
95	Jim Matthews	J Matthews	1700 Fanoak So. Pasadena CA 91030
96	Thomas Funk	Thomas Funk	15365 Alsbury Blvd Pacific Palisades CA 90210
97	Philip D'Andrea	Phil D'Andrea	548 ROCK TRAIL, TOPANGA, CA 90290
98	Carrie Kelly		8409 SAWBELLE, VENICE

99		Corinne Fenn	28128 Pacific Coast Hwy, Malibu, CA
100		Ahmad Alsalem	11728 wilshire blvd Los Angeles, CA, 90025

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	Signature	Name	Address
1		Mary Schultz	1332 Manhattan Beach Blvd. Manhattan Beach, CA 90266
2		Phil Shanahan	1223 Wilshire Blvd Ste 717 Santa Monica CA 90403
3		Jason Skinner	60 15th St. #N Hermosa Beach, CA 90254
4		Lois Thiel	851 Divot Dr. Fernley NEV. 89408
5		DAN THIEL	851 DIVOT D FERNLEY NV, 89408
6		Courtnie Sauls	818 Brand Ave, Burbank, CA
7		Sarah Rosson	4425 Johanna ave, Lakewood CA 90713
8		Annie Greer	26004 Griffith Park Blvd, CACA 90039
9		Laura Fryer	4906 3rd Street Korea Town, CA 90039
10		Miriam Kerver	374 ANZIO Way Oak Park, CA 91377
11		JAMES ZIEMER	13560 STAGECOACH TRAIL MOORPARK CA 93021
12		Ashley Severance	1134 Fairdale Glen, Farmington NY 14425
13		Dominick Severance	1134 Fairdale Glen Farmington, Ny 14425
14		Kevin McGuire	37711 Townsville CT, Murrieta, CA 92563
15		Stuart Inman	634 Landfair Avenue, Apt. B, Los...
16		LINDZEY GRIFFIN	1721 S. WESTGATE AVE., APT 8, LOS ANG... 90025
17		JEFFREY C. LUSTIG	21039 ~~BRYANT ST~~ #105 CANOGA PARK, CA 91304
18		Kirsten Lockhart	10105 Pine Canyon, Black Hawk SD 57718

19		Jim CORBETT	10200 Hooker Cyn Rd Black Hawk 57718
20		Bob Kimball	7717 Varial Ave Canoga Park CA 91304
21		Jill Cole	18608 Kimbrough Canyon Country CA 91351
22		Chris Champine	2331 Fairview Ln, Rochester, MI 48306
23		Eileen Champine	2331 N. Fairview Ln. Rochester Hills MI 48306
24		Kevin Zemlicka	17950 Lassen St. Apt J1 Northridge 91325
25		Guadalupe Zemlicka	17950 Lassen St Apt J-1 Northridge CA 91325
26		Danny Love	1000 Corning St Apt. 115 Los Angeles CA 90035
27		Montana Brown	451C East Roanoke St. Blacksburg, VA 24060
28		Beth Rothschild	9330 Oakcrest Dr. Fairfax, VA 22031
29		Eugene Huh	2163 W. Leland Ave Chicago, IL 60625
30		Veronica Wasylec	2163 W. Leland, Chicago IL 60625
31		MARTIN BRIGHT	PO Box 1976, Marina Del Rey, CA 90295
32		S WINNE	LAS VEGAS, NV 89130
33		K. HEFTNER	5702 Wolfe St Oxnard, Ca 93033
34		Tom Alesio	3556 SIERRA P MALIBU 90265
35			23161 Schoenborn Rd Chatsworth Ca 91311
36			6546 Noddy Av. West Hills CA. 91307
37			1149 Sarco Dr. SD CA 92126
38			1149 Sarco Dr. SD CA 92126

39	[illegible]	Chelsea Bulte	22455 PCH Malibu CA 90265
40	MIKE FIMZI	[illegible]	5726 BEACHCLIFF ROAD LA-CA 90068
41	MIKE DUNKER	[illegible]	612 NORTH ROSE CAN 93063
42	TONY ALVESTI	[illegible]	311 N Robertson Blvd #770 Beverly Hills CA 902
43	Aleigha Stolp	[illegible]	175 Paradise Cove Rd Malibu.
44	Alan P. Moore	ALAN P. MOORE	5878 Leepoos Ferry Rd Morristown TN 37813
45	Chloe Moore		4831 Applegate rd. NC 28562
46	JERRY TURCHIE	Terry Turchie	4254 NOTTINGHAM DR. DAVIS, CA 94506
47	Joy Turchie	Joy Turchie	" "
48	PAUL MASLON	[illegible]	22852 P.C.H. Mal. Br - 90265
49	Sally Emr	Sally Emr	6216 Tapia Dr. Malibu Ca. 90265
50	Rebecca Nugent	[illegible]	20341 Haynes St. Winnetka CA 91306
51	Lisa Heavenly	Stephanie Hernandez	20341 Haynes St. Winnetka CA 91306
52	Ruth Guadalupe Ruiz	Guadalupe	551 S. San Fernando Mission S.F CA 91342
53	Michael Ca.	[illegible]	551 S. San Fernando Mission S.F. 91342
54	Rose Kramer	Rose Kramer	30715 Monte Lado Dr. Malibu, 90265
55	MARY KRAMER	Mary Kramer	" " "
56	David Kramer	[illegible]	" "
57	Kelly Ortiz	[illegible]	3003 Exposition Blvd. Sac CA 95817
58	DAVID ROSS	[illegible]	9300 Washington Blvd, Culver City 90232

59	BRIAN Schroeder	Brian Schroeder	1342 S. Alma Cir. Mesa AZ 85204
60	Vanna Schroeder	Vanna Schroeder	" " " " "
61	Joyce Schroeder	Joyce Schroeder	2609 W. Southern Ave Tempe, Az. 85282
62	John Schroeder	John Schroeder	" " " " "
63	[illegible]		
64		RAMON OMID	3719 Esplanade, Marina Del Rey, CA 90292
65		JACK PATTON	2432 Jefferson Ave, Winston-Salem, NC 27103
66		SUSAN PATTON	" "
67		EVELYN PILLSBURY MORGAN	6615 Sylvia Reseda CA 91335
68	Dawn Dail	Dawn Dail	2220 Ave of Stars #2605 L.A. CA. 90067
69	D. Hall	DAVID HALL	" " " " "
70	[illegible]		6 Caitlewood Ct. Pleasanton Ca. 94566
71	[illegible]		Brentwood CA.
72		Joy Moore	POBox 154 Malibu CA 90265
73	[illegible]	Donna Simons	6920 Bergquist Ave West Hills, CA 91307
74	[illegible]	Joy Raisor	3611 Morgate [illegible] Palos Verdes Ca 90274
75	[illegible]	King Say	" " " " "
76	[illegible]	Brewster Moore	" " " " "
77	[illegible]	Thomas Johnson	1270 OZETA TER W. Hollywood, CA
78	[illegible]	Lynne Skeyhar	PO Box 537 RSF, CA 92067

79		Sharon Verswayveld	1330 Truitt st Glendale CA 91201
80		Matt Verswayveld	1330 Truitt ST Glendale CA 91201
81		Carol Wheelis	14092 Hargrove Ct Moorpark CA 93021
82		EDWARD WHEELIS	14092 HARGROVE CT, MOORPARK, CA 93021
83		Chris Underwood	121 Grapevine rd Oak View CA 93022
84		Jon P Harte	2767 Harbor Blvd Ventura CA 93001
85		ARTHUR BEALS	1215 Anchors Way Dr. #179 Ventura, CA 93001
86		Melissa Adams	18403 B Collins ST Tarzana, CA 91356
87		JAMES TWITTY	PO BOX 455, MALIBU, CA 90265
88		LUIS RICAURTE	12 JOHN ST. LADERA RANCH, CA 92694
89		Joe Udy	28851 WOODCREEK MISSION VIEJO, CA 92692
90		ROBERT CLOHARTY	8110 E TURSO ST LONG BEACH, CA 90808
91		Samuel T. Davey	573 Springbrook North, Irvine, CA 92614
92		JAMES L. WORLAND	6 SAVONA COURT, NEWPORT BEACH, CA 92657
93		Dieter Isenhoff	8841 St. Andrews Av. Westminster CA. 92683
94		PAUL SOWA	18 WADSWORTH, IRVINE 92620
95		RAY LIVERMORE	750 Cindy Lane 92625
96		PETER ALBERT	6250 Alhambra Ave 90041
97		NICK REYLEK	28272 REY DE COPAS LANE MALIBU, CA 90265
98		MICHAEL KELLY	30202 P.C.H. MALIBU CA 90265

99		John Simonsen	4755 Radford Ave. #2	"	"	"	Valley Village	91607
100		Gretl Ridd-Simonsen	"	"	"	"	"	"

Under new ownership, we are anxiously anticipating the approval of our liquor and entertainment liscenses. Would you kindly sign this petition in support of the Malibu Inn attaining these liscences to provide better service, atmosphere, live music and a bar scene to the Malibu community for years to come...

	Signature	Name	Address
1		S. SEROLSKY	318 So. ANITA AVE LA 90049 CA
2		Trakee Jones	P.O. Box 7484 Newport Beach CA 92658
3		Christy Hairlip	16262 Magellan Lane H.B, Ca 92647
4		Dennis Garrett	27132 Brown Lake Way 91387
5		James P. Burton	333 Rock Haven LA
6		MARCIA LANE	PO BOX 48317, LA CA 90048
7		DAVID LOVERING	" " " "
8		Reno Azar	258 CHY Ct Newbury Park CA 91320
9		Terry Azar	29 La Encina Newbury Park CA 91320
10		MARYANN SHERRITT	3023 DAHLGREN LA CA 90066
11		William A. Sherritt	" " " "
12		Ben Wasky	1048 Bradford Dr Mt Juliet TN 37122
13		Valene Wasky	" " " " " "
14		Kevin Hill	29220 N 123rd Dr Peoria AZ 85383
15		Steven M Sheridan	4423 Arbor Rd Long Beach Ca 90808
16		Tom Holter	1612 Fair Oaks Ave. #24 S Pasadena Ca 91030
17		Yvonne Marbat Mendez	6848 Cedros Ave Van Nuys Ca 91405
18		William Hoelter	114 32nd Place Manhattan Beach 90266

19	Thomas Yacono	Yacono	27328 Cooper Glen, Agoura Hills, CA 91301
20	Rachel Smith	R Smith	29141 Singingwood Dr. Santa Clarita, CA 91390
21	Patrick Park		19310 Roadaer Ave Torrance CA 90503
22	Annette Park		19310 Ronald Ave Torrance CA 90503
23	Jamie Armendariz		5040 Riverside Dr #131 Chino CA 91710
24	Arthur Armendariz		1009 Sunset Ave La Puente CA 91746
25	Taylor Timpin		22125 PCH Malibu CA 90265
26	Pamela Seine	Pamela Seine	3684 San Pasqual St. Pasadena CA. 91107
27		Tom Jones	115 N Garfield Pl Monrovia, CA 91016
28		Barb Lunsford	0477 Telephone Rd Ventura, CA 93003
29			4633 Telephone Rd #200 Ventura, CA 93003
30		Cheryl Taylor	3[illegible] Ave Signal Hill 90755
31		Crystal Wood	12423 1/2 Washington Pl Los Angeles, CA 90066
32			Agoura Hills CA 91301
33		Jon M. Brandler	1337 Ocean Front Santa Monica CA 90401
34		Susan Brandler	1337 Ocean Front Santa Monica 90401
35		Melisa Weinberg	27417 Country Glen Rd. Agoura Hills CA 91301
36		Erinn Kantor-Weinberg	4016 Defender Drive, Agoura Hills, CA 91301
37		Bill Machado	9741 Reseda #39 North Ridge CA. 91324
38		ERIK GRAHAM	9741 Reseda #39 " " "

39		Kenneth Usery	502 Monte Vista, CA 92602
40		David Brooks	2960 Madison Ave, Santa Monica CA 90405
41	Susan Taylor Shee	Susan Taylor Shee	4184 Amber Place Baldwin Park
42	Courtney Silver	Courtney Silver	901 Ocean Ave #206 Santa Monica, CA 90405
43	John Ortiz		24109 Malibu Rd. Malibu 90265
44	Niki Singleton	Niki Singleton	24107 Malibu Rd Malibu 90265
45	Jack Singleton	Jack Singleton	24107 Malibu Rd Malibu 90265
46	Rocco Urbisi	Rocco Urbisi	28711 PCH #15 Malibu, Ca 90265
47	Gaetano Zocco		180 Holly #2 Carpinteria CA 93067
48	Bella Allen		1234 15th st SM. CA. 90404
49		Addie Beck	340 Sandpiper Dr. Davis, CA 95616
50		Cameron Beck	" " " " " "
51		Hans, Dan	226 Colony View Cir. Malibu, CA 90265
52		David Trafton	1250 Via Pintada Riverside, Ca. 92507
53		Mary Colombo	4130 Calle Isabella, San Clemente, CA 92672
54		RITA BRATKOVICH	1791 CRYSTAL VIEW CIR THOUSAND OAKS, CA 91320
55		Thomas Bratkovich	1791 Crystal View Cir Thousand Oaks CA 91320
56		John Croshaw	10330 Downey Ave #25 Downey, Ca. 90241
57		Shelley Williams	3235 Winterbrook Ct Thousand Oaks, CA 91360
58		Kou Fox	2438 Pleasant Way, E Thousand Oaks, CA 91362

59	Scott Elmore	Scott Elmore	134 Fairview Rd Thousand Oaks 91362
60		Chris Kennedy	619 Hampshire Rd Westlake Vlg, CA 91361
61		JACOB A LEONCI	619 HAMPSHIRE RD WESTLAKE, CA 91361
62		J. Smith	630 West Sixth Street 90017
63		P. Keenan	PO Box 24975 LA CA 90024
64		TRENT A. MICKEY	PO BOX 24823 LA CA 90024
65		Jason House	PO Box 24451 LA CA 90024
66		A Dunlap	PO BOX 24451 LA CA 90024
67		Robert James	9207 CHRISTOPHER ST. CYPRESS, CA 90630
68	Catherine James	Catherine James	9207 Christopher St, Cypress, CA 90630
69			552 June St Oxnard
70		DWIGHT MATNEY	723 CENTER LN STA PAULA CA 93060
71		SEAN EZELL	23679 CALABASAS RD CALABASAS CA 91302
72	Trivie Tillisch	TRIVIE TILLISCH	19265 Santa Rita TARZANA CA 91356
73		Tony Preston	26353 W. PLATA LANE CALABASAS, CA. 91302
74		Steve Berna	PO Box 5096 Montecito CA 93150
75		Josh Crowl	6850 Farralone Ave. Canoga Park CA 91303
76	Donna M. Vitale	Donna M. Vitale	1612 Amador Ln Newbury Park CA 91320
77		SHAUN HAGHIGHAT	1932 Pelham #302, LA, CA 90025
78		Lisa Freier	1932 Pelham Ave #302 LA CA 90025

79	Suzanne Eden	Suzanne Eden	6419 South Saltair Ave / Westla CA 90025
80		Sharon Jennings	9088 25th St SM, CA 90403
81		Samuel Jackson	501 Los Angeles St L.A. Calif 90013
82		Gwenyth Peoples	622 Wall St LA Calif 90014
83		Bärbel Schmitz	261 E Alegria Ave #7 Sierra Madre CA 91024
84		JANINA KAUFFMANN	261 E ALEGRIA AVE APT #7 SIERRA MADRE CA 91024
85		CARLY K. NELSON	632 OCEAN PARK BLVD #10 SM, CA 90405
86		CHRIS Kanzler	632 Ocean Park Blvd #10 Santa Monica, Cal 90405
87		Stephen Fitzpatrick	2720 Seabreeze Drive, Malibu CA 90265
88		Mary Ellen Jenkins	28570 Seahridge Dr. Malibu, 90265
89		Eleanor Starlin	" " "
90		Peter Guignard	2050 BLUEWING JOHNSTOWN, CO 80534
91		ALAN HALL	2102 Arbor Circle Brea CA 92821
92		Michael Murphy	P.O. BOX 701 Malibu CA. 90265
93		Cheryl Murphy	25615 Mulholland Hwy Calabasas CA 91302
94		Kristen Moore	390 S York Elmhurst, IL 60126
95		Samantha Moore	390 S. York Elmhurst, IL 60126
96		Patti Neil	1935 Country Grove Ln, Encinitas CA 92024
97		Joshua Aghtari	616 N. Bedford Dr. Beverly Hills CA
98		JOEY APESCO	1015 3rd ST #23 SANTA MONICA

99	[signature]	VICTORIA SHAPIRO	8569 BURTON WAY, LOS ANGELES 90048
100	[signature]	Adriel Darvish	3171 Deep Canyon Dr. BH, CA 90210

July 23, 2010

RECEIVED
JUL 23 2010
PLANNING DIV.

Dear Ms. Danner:

It is very important to me that I express my concerns about the Malibu Inn to you. The Inn's activities will impact me and my family greatly on a daily basis. I have lived across the street from the Malibu Inn for almost 12 years. For most of that 12 years, I have had nothing but problems with each of the owners of the Malibu Inn. I anticipate arguments from the current owner will include he will be different and he will respect the neighbors desire for peace and quiet. However, as with owners of a business, the goal is to make money and I have experienced, he will escalate activities in directions to do that.

How do I know this, because I am seeing it right now with our other restaurant neighbor, the Beachcomber, who are turning their venue into a nightclub as well. In the beginning the Beachcomber offered 3 piece bands (piano, horn and strings) in the afternoons. The music was not amplified so it did not disturb us. However, for the past several months, the Beachcomber has offered live amplified music on it's deck. They bring in 6-8 musicians who play rock n' roll cover songs. In the beginning they began at 6pm, and went to 10pm, then 11pm , then 12am. I had to go there several times to complain before management agreed to stop at 10pm. However, the volume of the amplified music went up each time. Then last week they added music on Saturday night and Sunday afternoon.

We have 2 young children, 7 and 10 who go to bed at 8:30pm. For the past month, we have been unable to sit in our bedrooms and watch tv because the music was so loud at the Beachcomber, we had to go out of our homes. We return to put the kids to sleep – but still loud music is playing. I again went to management to explain that one night of music was unbearable but 2 nights was beyond my ability to handle. His arguments focused on the fact he needed to make money, and the biggest attraction right now was the live music and the owners want to offer it on more nights. The owners also want the Malibu Inn to open so they can get their overflow business, and blasting loud music from the pier will help attract that. So our homes will be in the middle of a "nightclub" zone. I do not think it is fair to subject the residents of our community to this type of "nuisance".

So now in the face of another "nightclub" being opened across the street from us, you can see how afraid I am. Afraid that I will have to suffer through days and nights of loud music, echoing voices from intoxicated people on their patio, with no regard for the residents, loudly talking people on the way to their cars, or loitering in the parking lot, and some who like to ring our doorbell as they pass by at 2am.

I have experienced all these activities for all the years the Malibu Inn was opened at night.

Previously, the last owner of the Malibu Inn, Mitch Stewart, escalated his activities over time as well. He started with bands once a week, then twice, then 4-5 times. The type of band changed too, from more mellow rock bands to Metal and Punk rock bands. He then had large events other nights with crowds of people on the outdoor patio area talking loudly or screaming.

Date Received 07-23-10 Time 11:00 am
Planning Commission meeting of 08-03-10
Agenda Item No. 6A
Total No. of Pages 2

CC: Planning Commission, City Council, CA, PM,
Recording Secretary, Reference Binder, File

They also had many "sicky dicky" nights, whose logo was of a man throwing up from too much partying. These events attracted young "partying" types. Often the police were called out to break up fights. Numerous young people were intoxicated and on drugs. I have heard from several people who went to the Malibu Inn that the place was rampant with drugs.

We had so many problems that finally the Sherriff's stepped in and told Mitch if he did not comply they would seize any sound equipment from his establishment. They also told him to give us his home phone number to call whenever there was problem. I called Mitch several times late at night to complain. He finally understood what we had to go through, unable to sleep, waiting for the sherriff's to come to hear our complaints, then waiting for them to come back from the Inn.

Before him, Sam Khoury was the manager. He refused to lower the music and played till 1 or 2 am almost every night. The Sherriff's finally got tired of him breaking the law that they charged him with disturbing the peace. He soon left the Malibu Inn after that.

I invite you to go to the beachcomber to hear how loud the music is so you can see what we have to go through from the early evening on and what we could be potentially subjected to by the Malibu Inn.

I want to now focus my concern about loud music played at any time, not just past 10pm, as the volume of the music prevents us from enjoying the peace and quiet of our homes at all times.

I also want to ask why do we need another nightclub in Malibu? I see the Malibu Inn as a historic building that would be a great restaurant. If it was just a restaurant, I would not be opposed to alcohol. But if it's a nightclub, then I am opposed to drunk people getting into fights, loitering, and driving down PCH.

Soon the old Windsail and Pierview will be open, what activities are in store for these venues?

Is this part of PCH going to become like the Sunset Strip ?

I am also concerned that the following restrictions have not been suggested, no signs to say keep quiet, limits on how loud music can be played before 10 pm, what types of entertainment are offered, what system for complaints by residents, etc.

I am just a small voice, but I do hope you hear me and can help me.

Sincerely,

Stella Yap

23018 PCH

Malibu, CA 90265

Jessica Blair

From: Stephanie Danner
Sent: Monday, July 26, 2010 5:32 PM
To: Jessica Blair
Subject: FW: Hearing on Malibu Inn

RECEIVED
JUL 27 2010
PLANNING DIV.

Correspondence.

-----Original Message-----
From: uclagrad96 [mailto:uclagrad96@yahoo.com]
Sent: Monday, July 26, 2010 10:43 AM
To: Stephanie Danner
Cc: Stefanie Edmondson; rjallan@aol.com
Subject: Hearing on Malibu Inn

Dear Ms. Danner:

I wanted to follow up with an email after our meeting on Friday. Thank you for your time. As we said to you we still have many concerns about the Malibu Inn reopening as a nightclub. I do not believe that the conditions currently recommended in the Report to the Planning Commission are sufficient enough to protect the safety and welfare of the residents of Malibu.

Our family will be in Canada with relatives next week. My husband and I would like the opportunity to state our concerns and suggestions for conditions to the Commission in person, so I wanted to ask you one more time if any changes are possible. If the August 3 hearing can't be changed, can we ask for a second hearing date for the people who could not make the August 3 hearing?

Please let me know your thoughts.

Kindest regards,

Stella Yap
23018 Pacific Coast Highway
Malibu, CA 90265

Date Received 07-27-10 Time 8:00 am
Planning Commission meeting of 08-03-10
Agenda Item No. 6H
Total No. of Pages 1

CC: Planning Commission, City Council, CA, PM,
Recording Secretary, Reference Binder, File

Jessica Blair

From: Stephanie Danner
Sent: Monday, July 26, 2010 8:11 AM
To: Jessica Blair
Subject: FW: Malibu Inn

RECEIVED
JUL 26 2010
PLANNING DIV.

Correspondence

From: Sari Drucker [mailto:sdrucker@earthlink.net]
Sent: Saturday, July 24, 2010 7:35 AM
To: Stephanie Danner
Cc: sedmonson@ci.malibu.ca.us
Subject: Malibu Inn

Dear Ms. Danner:

My husband and I have lived across the street from the Malibu Inn for 15 years. We just learned about the possibility of a "nightclub" at the Malibu Inn. This is the first time we have heard this. We are very concerned. I was told there is an application to have live music played until 2am in the morning. **I don't think you realize how sound carries here.** Last time this happened the music was so loud, we could not even hear our own TV in our house. I know this because it happens every time the Beachcomber has a band. To allow this until 2am everyday would mean we would never get a good night's sleep. **This is also a residential neighborhood.**

We understand that permits for amplified live music, alcohol, and late hours are all being considered.

Our house is approximately 300' away from this establishment and STRONGLY OBJECT to this. We are unable to attend the hearing and would like the opportunity to make our objections in person. Therefore, WE HEREBY REQUEST A CONTINUANCE TO THE HEARING.

Kindly respond at your earliest convenience.

Sincerely,

Ron and Sari Drucker
23030 Pacific Coast Highway
Malibu, CA 90265
310-456-6204

cc:Stefanie Edmonson

Date Received 07/26/10 Time 8:00am
Planning Commission meeting of 08/03/10
Agenda Item No. 6F
Total No. of Pages 1

CC: Planning Commission, City Council, CA, PM, Recording Secretary, Reference Binder, File

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AUG 02 2010
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ROBERT J. ALLAN
Trustee
Malibu Property Trust
23018 Pacific Coast Highway
Malibu, California 90265
***Telephone*: (310) 456-6576**
***Facsimile*: (310) 456-3195**
e-mail: rjallan@aol.com

July 27, 2010

ORIGINAL VIA HAND DELIVERY
Via email: jblair@ci.malibu.ca.us

Chair Mazza and Members of the Planning Commission
City of Malibu
23815 Stuart Ranch Road
Malibu, CA 90265

Re: Commission Agenda Report on the The Malibu Inn's ("Applicant") Application for a Conditional Use Permit 09-009 ("CUP") and Joint Use Parking Agreement No.: 10-001 ("PA")

Dear Chair Mazza and Members of the Planning Commission:

I write in response to the recommended actions contained in the Commission Agenda Report dated July 22, 2010 prepared by Stephanie Danner, Senior Planner.

Our family and our neighbors in the Surfrider Beach and adjacent communities are extremely concerned about the referenced matter.

I want to emphasize my concerns as a resident of Malibu for over 25 years, who lives with my wife, 10 year old son and 7 year old daughter across the street from the Malibu Inn and who also works in the Malibu Plaza building, half a block from the Malibu Inn and to state my objections to the CUP and PA, as written, and to explain the bases for my objections.

Prior to the Malibu Inn being closed in 2008, my family and I had numerous, on-going problems with the previous owners and managers of the Malibu Inn for at least 15 years. Each new owner or manager would come to Malibu and tell the City, my neighbors and I they would run an establishment that would benefit the community. However, I have only experienced the opposite. Over the past 15 years each new owner and their managers slowly converted the Malibu Inn from a full service restaurant and bar into a nightclub, concert hall, karaoke hall, and party place filled into the late hours of the night with loud and intoxicated young people.

Date Received 8-2-10 Time 8:00 am
Planning Commission meeting of 8-3-10
Agenda Item No. 6H
Total No. of Pages 5

CC: Planning Commission, City Council, CA, PM, Recording Secretary, Reference Binder, File

We are extremely concerned that the new owner and the manager, who is the same manager employed by the former owner, will do the same. We question why the owners want to keep the Malibu Inn open until 2 am with live entertainment and alcohol. Most restaurants in Los Angeles let alone Malibu close well before midnight. Malibu is a family community, not a nightclub destination.

As the Malibu Sheriffs experience with the last owner and current manager of the Malibu Inn clearly establishes, if the Malibu Inn is allowed to have live entertainment and serve alcohol until 2 am it will attract primarily non-resident, young partying types from out of town who will drink and drive down PCH endangering their lives and the lives of the residents of Malibu. It will also encourage Malibu residents who dine there to drink and drive home late at night up and down PCH and up the canyons, endangering people and property.

My wife and I spoke with Stephanie Danner, the senior planner for these applications last Friday. The planning department issued a report with a proposed resolution to be finalized at the hearing that includes the following "conditions of approval" which my neighbors, my family and over 75 people who have signed a petition in the last 2 days do not feel are adequate to protect the safety and welfare of the customers of the Malibu Inn and the community, our neighborhood and our property in general:

1. No live entertainment or amplified music on the "patio"; (however the report does not mention anything about music played inside the Malibu Inn being audible from the exterior of the Malibu Inn.)

2. Unnecessary and boisterous noise shall not be audible from the patio from 10pm - 2 am; (however this does not specifically prevent unreasonable noise before 10 pm nor does it prohibit noise from the Malibu Inn that is plainly audible within 5 feet of a residence emanating from the exterior of the Malibu Inn after 10pm.)

3. The owner must notify the code enforcer and Sherriff's Department 3 days before an event with 100 persons or more and have a contact for complaints during events. However, no condition has been imposed for how to enforce compliance by the owner at other times of the day or night. The responsibility for monitoring and minimizing noise and crowds should be on the Malibu Inn, not on neighbors to call the Sheriff's Department or the code enforcement officer every time there is a problem. This is especially true given the Malibu city ordinance limiting code enforcement. Furthermore, Deputy Brownell's condition in the agency approval letter to require the Malibu Inn to keep the Sherriff's apprised of any live entertainment is not reflected in the Planning Commission resolution.

4. Security personnel be present from 9pm to closing in order to control noisy and rowdy patrons which clearly indicates the planning department anticipates these types of patrons at the Malibu Inn.

Chair Mazza and Members of the Planning Commission
July 27, 2010

Last Friday, my wife spoke with the manager of the Malibu Inn regarding our concerns. As I mentioned earlier, the current manager, Sean, is the same manager that worked for Mitch Stewart, the previous owner with whom we and the Sheriff's Department had all the problems with (liquor license violations, fights, drugs, etc.) and he tried to convince her he will do a better job of booking bands and complying with the Malibu Noise Ordinance ("Ordinance") as manager for the new owners than he did as manager for Mitch Stewart. When my wife mentioned the 10pm cutoff for noise he said it will be up to the Sheriff's Department to determine if the Malibu Inn is violating the Ordinance - meaning we would have to call them every time there is a violation of the Ordinance or any other violation of the Malibu Municipal Code ("Code"). She also had concern about the late hours, however, he went on to say the Malibu Inn should have the right to play music until 2am because between 10 and 2 is when they anticipate having the most customers. This is obviously contrary to the owner's statement in their petition and application for the CUP that they just want to bring "better service, atmosphere, live music, and a bar scene to the Malibu community". It appears they really want to have a nightclub. He also said Moonshadows is able to stay open until 2 am and play loud music despite having had several drinking related accidents, complaints to the Sheriff's Department, etc., so the Malibu Inn should be able to do the same without interference.

As you undoubtedly know, the Sheriff's Department is not capable of monitoring or determining compliance with the Ordinance because the city has refused their request for the city to purchase a sound monitoring device.

I understand a restaurant needs the income from liquor sales to survive. I do not believe it needs live bands/DJ's and amplified music 7 days a week until 2am. Nowhere else in Malibu is this activity allowed. The reason for that is simply no one in Malibu wants venues with people drinking late and then driving home in the evening.

Malibu is a family community, not a nightclub town.

I believe The Malibu Inn will not attract the type of visitors Malibu wants or needs.

If a CUP is granted, then I hope the planning commission and city council impose sufficient conditions to protect the residents and the public from the harm the Malibu Inn "nightclub" will bring to our community.

Some of the conditions I suggest that should be required are earlier closing hours to minimize late night drinking and driving, limits on how loud music can be played before 10pm, soundproofing measures, sound monitoring devices inside and outside to Malibu Inn to ensure compliance with the conditions, the Ordinance and the Code, the types of entertainment to be offered (the application mentioned 3 piece jazz bands, but that is obviously not what is intended), the number of events per month or year, a system for complaints by residents to the owner (hotline), and signs that say to be quiet near residents.

The city should require the owners to conduct sound studies inside the Malibu Inn and in front of adjacent residences to measure noise in order to place the burden of complying with the

conditions of the CUP on the owners not the Sheriff's Department or the city code enforcement officer, have a condition restricting the volume of the music and related noise before 10pm and a condition mandating compliance with the Ordinance after 10 PM.

The applicant/ owner, not the Sheriff's Department, the city and the taxpayers in the city should be responsible for enforcing compliance with interior and exterior noise levels mandated by the Code and Ordinance, prohibiting loud voices or crowd activity in the parking areas and insuring litter, debris or graffiti in or near the Malibu Inn, the parking and surrounding areas is quickly removed so that it does not negatively impact the surrounding community.

We are also concerned about the overuse of the septic system. Hundreds of people will be using the system daily. When the prior owner operated the Malibu Inn and held live events I personally witnessed the septic system overflowing, the overflow being hosed into the gutter and it being pumped out the following morning. What effect will this have on the area and the residents and how will the Water District react to this proposed use?

Neither the CUP nor the PA appear to require as a condition of issuance a covenant to be recorded against the parking lot and office building owned by the applicant requiring those parking facilities to be available for use by the Malibu Inn. Without a recorded covenant there is simply not sufficient parking for the uses contemplated by the CUP. The application states the Malibu Inn will have 12 employees during the week and 24 on the weekends. There are only 22 parking spaces at the Malibu Inn. Where will these employees park?

The lot adjacent to the Malibu Inn currently owned by the applicant has 30 parking spaces. These parking spaces are the subject of the PA but not a condition of the CUP. The applicant has applied for the PA because in order to get a CUP they have to have more parking spaces to accommodate the restaurant and customers they anticipate. The applicant also has 90 parking spaces in an office building down the street owned by the applicant. The question remains where do the other 200 plus people anticipated to attend a large event park?

Plans to develop that adjacent parking lot have been submitted by the owner. So the 30 parking spaces in that lot will only be available for use without a covenant running with the land for a very short period of time. The applicant has proposed valet service to his office building but still most people will try to park along the Pacific Coast Highway which is already over utilized by employees from the Malibu Pier, Malibu Plaza and other adjacent businesses. Between the Malibu Pier parking, which is insufficient for their own use according to the Sate of California and the other businesses, parking will be impossible on weekend days and nights and some weekday nights.

I have been told by Rabbi Cunin that he only signed a letter of support for a CUP to allow the Malibu Inn to sell liquor, not to provide live entertainment or remain open until 2 am seven days a week. He told me the applicant told him he would let the Chabad use his adjacent parking lot.

I have also been told by a representative of the Beachcomber Restaurant that the one of the reasons Tad Belshe signed a letter of support for the CUP was because of a similar statement by the applicant to Mr. Belshe that he would allow the Beachcomber to use his adjacent parking lot and the hope that the Beachcomber will benefit from overflow customers from the Malibu Inn.

I would highly recommend the Planning Commission examine very closely what the owners of the Malibu Inn intend to do and to determine what conditions are necessary to insure the safety and welfare of the residents of Malibu before the Planning Commission approves the CUP or the PA as proposed.

Kindest regards,

Robert J. Allan

cc: Stephanie Danner *via email* sdanner@ci.malibu.ca.us
City of Malibu

Stefanie Edmondson *via email* sedmondson@ci.malibu.ca.us
City of Malibu

Los Angeles Regional Water Quality Control Board
320 West 4th Street
Los Angeles, CA 90013-2343

ROBERT J. ALLAN
Trustee
Malibu Property Trust
23018 Pacific Coast Highway
Malibu, California 90265
***Telephone*: (310) 456-6576**
***Facsimile*: (310) 456-3195**
e-mail: rjallan@aol.com

RECEIVED
JUL 30 2010
PLANNING DIV.

July 30, 2010

ORIGINAL VIA HAND DELIVERY
Via email: jblair@ci.malibu.ca.us

Chair Mazza and Members of the Planning Commission
City of Malibu
23815 Stuart Ranch Road
Malibu, CA 90265

Re: Commission Agenda Report on the The Malibu Inn's ("Applicant") Application for a Conditional Use Permit 09-009 ("CUP") and Joint Use Parking Agreement No.: 10-001 ("PA")

Dear Chair Mazza and Members of the Planning Commission:

Please find enclosed a petition signed by residents and other concerned individuals who are in support of denying Malibu Inn's request for a Conditional use Permit allowing live entertainment until 2am or a nightclub in Malibu. Please let me know if you have any questions.

Kindest regards,

Robert J. Allan

Date Received 7-30-10 Time 4:00 pm
Planning Commission meeting of 8-3-10
Agenda Item No. 6H
Total No. of Pages 6

CC: Planning Commission, City Council, CA, PM, Recording Secretary, Reference Binder, File

Malibu Inn is under new ownership and is in the process of trying to get a live entertainment license and a liquor license. They want to have live bands play untill 2am 7 days a week. Do we need a nightclub serving alcohol till 2 am in Malibu? Do we need drunk patrons loitering around all night, more traffic and parking problems, and drunk drivers driving up and down PCH. Surfrider Beach residents are opposed to the Malibu Inn becoming a nightclub. Please kindly sign this petition in support of denying Malibu Inn's request for a Conditional Use Permit allowing live entertainment until 2am or a nightclub in Malibu. This will help ensure the safety and peace of mind of the residents of Malibu.

	Signature	Name	Address
1		David Olan	20645 SEABOARD Malibu CA
2		MARK FRIEDMAN	23022 PHC HWY CA MALIBU.
3		JAwelle Ericamm	23022 PCH Malibu CA 90265
4		Rick Mehlinger	1221 Ocean Ave, S.M. 90401
5		Andrew Jackson under reasonable conditions	3217 Sumac Ridge Dr MALIBU, CA 90265
6		Elaine Schifman	5740 Calpine Dr Malibu Ca 90265
7		M. OSTERMAN	22601 PCH Malibu 90265
8		Tim Boyd-Smith	P.O.B 121 MALIBU 90265 -
9		Justin Sikes	23410 civic center WY Malibu 90265
10		Gideon Ben Abu	23561 P.C.H. Malibu, CA 90265

11		Alex Sitkovetsky	23302 W. Bocana St. Malibu 90265
12		Elena "	" " "
13		Levon	3882 CROSS CREEK RD MALIBU.
14	Ron Drucker	RON DRUCKER	23030 PCH Malibu 90265
15		Sari Drucker	23030 PCH Malibu 90265
16		ALEXANDER ASTIN	23034 PCH MALIBU 90265
17	Helen S. Astin	HELEN S. ASTIN	23034 PCH MALIBU 90265
18		Jonathan Roth	23006 PCH Malibu 90265
19		Alisa Roth	23006 PCH Malibu 90265
20		Maria Moss	21757 Castlewood Dr. 90265
21	Nick Moss	Nicki Moss	21757 Castlewood Dr. 90265
22	Heather Tarver		23310 W. Pompano St Malibu 90265.
23			14013 Captains Row Marina Del Rey
24			14013 Captains Row MDR CA 90292
25			23215 PCH 90265
26		GEOFF STEELE	6415 SYCAMORE MEADOWS DR. MALIBU CA 90265
27		Wes Van Pelt	27500 Byrdale Rd. Agoura Hills 9301

28		BARRY VAN DYKE	27800 BLUEMOUND RD. AGOURA H.Hs
29		Lynell Perna	27412 Latigo Bay View Dr. Malibu
30		Chris Perna	27412 Latigo Bay View Dr. Malibu
31		Emily Goodin	25362 Malibu Rd. Malibu CA. 9026
32		GINA LEE	21012 Costanso St W.H. Ca 91364
33		JULES HERSHEY	30004 TRAIL CREEK Dr AGOURA CA 91301
34		TEA LEONI	900 WILSHIRE BLVD 90212
35		Tim Feit	11862 Stafford Lane
36		Bill Lawrence	19 Cliffside drive, Malibu
37		CHRISTA LAWRENCE	" " Malibu
38		REBECCA GRONER	UNDER REASONABLE CONDITIONS 3851 Sweetwater Cyn Malibu CA 90265
39		Jillian Rydell	28910 BONIFACE DR malibu, CA 90265
40		Leslie Goldstein	29500-146 Heathercliff CR 90265
41		Sarah-Jayne Simon	5811 Zumirez Drive Malibu, CA. 90265
42		S Cunin	22933 PCH Malibu CA 90265
43	PATRICIA GERARD		30724 El Pescador Dr Malibu 90265
44	DIRK TWITCHELL		P.O. 7684 THOUSAND OAKS CA.

45	[illegible]	[illegible]	SANTA MONICA, 90403
46	KOF		P.O-Box 2852 Malibu CA 90265
47	Donjo Maddonna	Donjo	205 E. Franklin Ave El Segundo Ca 90245
48	Sharon Olan	Sharon Olan	20645 Seaboard Rd Malibu 90265
49	[illegible]	Ms. Olan	527 Via De La Paz Pac. Palisades CA 90272
50	[illegible]	B. Olan	20645 Seaboard Rd Malibu 90265
51	[illegible]	Andy Lyons	27537 P.C.H. [illegible] 90265
52	[illegible]	ALLEN SARLO	22001 PCH. MALIBU CA 90265
53	Sophia Sarlo	Sophia Sarlo	22001 PCH Malibu CA 90265
54	[illegible]	Jeff Ho	2554 LINCOLN BLVD VENICE CA 90291
55	[illegible]	Linda Echegaray	26317 T.O. Blvd #186 Calabasas 91302
56	[illegible]	Jennifer Polk	26237 Fairside Rd Malibu CA 90265
57	[illegible]	Stephen Polk	26237 FAIRSIDE RD MALIBU CA 90265
58	[illegible]	Diana Knight	22917 Pacific Coast Hwy Malibu CA 90265
59	[illegible]	Betsy Bojanowski	3270 Sumac Ridge Malibu 90265
60	[illegible]	Y. Smith	21345 Rambla Vista Malibu CA 90265
61	[illegible]	Melissa Sawyer	22917 Pacific Coast Hwy Malibu, CA 90265

62		Carleton Yoder	5736 N. Las Virgenes Road 134, Calabasas, CA, 91302
63		Hans Dau	3213 Colony View, Malibu, CA 90265
64		Jie zhu	1953 Goshen Ave #4 Los Angeles CA 90089
65		Stella W. Yap	23018 Pacific Coast Hwy, Malibu, CA 90265
66		Robert J. Allen	23018 P.C.A. malibu CA 90265
67		Robert D Leidescher	2965 Sherwin Ave, Ventura, CA 93003
68		Shahla Mohageri	22917 Pacific Coast Hwy, Suite 350, Malibu, CA 90265 22849 Cass Ave., Woodland Hills, CA 91364
69		DAVID SIEGEL	22917 PCH #300 Malibu, CA 90265
70		Rod Rummelsburg	22917 PCH #350, Malibu CA 90265 4330 Jasmine Ave, Culver City, CA 90232
71		JIM SMITH	22917 PCH Ste 300 Malibu, Ca. 90265
72		Nicole Jacuson	22917 PCH Ste 300 Malibu, CA 90265
73		Van Tran	22917 PCH #300A Malibu CA 90265
74		TRONG DINH	22917 PCH #300A 90265
75		Edythe Huang	22917 PCH #350 Malibu, CA 90265
76			
77			
78			

Patricia Salazar

From: Jessica Blair
Sent: Monday, August 02, 2010 6:22 AM
To: Patricia Salazar
Subject: FW: application for Conditional Use Permit 09-009

From: Alexander Astin [aastin@gseis.ucla.edu]
Sent: Sunday, August 01, 2010 3:44 PM
To: Jessica Blair
Cc: Stephanie Danner; Stefanie Edmondson; Bob Allen; uclagrad96; Sari Drucker
Subject: application for Conditional Use Permit 09-009

Dear Ms. Blair:

Please convey this letter to the Planning Commission. Thank you!

Dear Chair Mazza and members of the Planning Commission:

Our house is located across the street from the Malibu Inn at 23034 Pacific Coast Highway. We had both planned to attend the August 3 hearing, but we now understand that consideration of the application has been postponed.

We would like to register our strong opposition to the proposal for a CUP 09-009, on several grounds. First, the plan to have live music that will play until 2:00 AM will be extremely disruptive. The same manager has played live music on previous occasions and it has proved to be heavily amplified and extremely loud, disturbing our peace and quiet and interfering with our sleep. (contrast this with the former jazz club Pasquale's, which operated on PCH for many years with little noise problem.) We understand that the owners of the Inn have said that the live music would consist of a 3-piece jazz band, which would be much less of a problem than heavily amplified rock music, but without some written stipulation from the city to that effect, the manager cannot be held accountable.

Another serious problem with the proposal is the extremely large numbers of customers that the owners are proposing to host. Given that the limited parking space at the Inn is not capable of accommodating so many people, serving them liquor until 2:00 AM will inevitably result in large numbers of inebriated people loitering and wandering on the sidewalk in front of our house, greatly increasing the noise and the risk of vandalism (or worse).

We respectfully request that the Planning Commission reject this proposal.

Sincerely,

Alexander W. Astin & Helen S. Astin
23034 PCH
310-456-6548
aastin@gseis.ucla.edu

Date Received 8-2-10 Time 8:00 am
Planning Commission meeting of 8-3-10
Agenda Item No. 6H
Total No. of Pages 1

CC: Planning Commission, City Council, CA, PM, Recording Secretary, Reference Binder, File

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AUG 02 2010
PLANNING DIV.

AMERICAN COMMERCIAL EQUITIES

ORIGINAL VIA HAND DELIVERY
Via email: jblair@ci.malibu.ca.us

Date Received 8-2-10 Time 8:00 am
Planning Commission meeting of 8-3-10
Agenda Item No. 6H
Total No. of Pages 2

July 30, 2010

Chair Mazza and Members of the Planning Commission
City of Malibu
23815 Stuart Ranch Road
Malibu, CA 90265

Re: Commission Agenda Report on The Malibu Inn's ("Applicant") Application for a Conditional Use Permit 09-009 ("CUP") and Joint Use Parking Agreement No.: 10-001 ("PA")

Dear Chair Mazza and Members of the Planning Commission:

We write in response to the proposed actions contained in the Commission Agenda Report dated July 22, 2010.

We are the owner of the Malibu Plaza building at 22917 Pacific Coast Highway located one-half block from the Malibu Inn. We did not receive notice of the public hearing and suspect that other affected parties may not have received notice.

We join in the objections to the proposed actions contained in the July 27, 2010 letter from Robert J. Allan, Trustee (copy attached).

In addition to Mr. Allan's objections, we would like to note that before the Malibu Inn was closed in 2008, like Mr. Allan, we had numerous on-going problems with the previous owners and managers of the Malibu Inn. These problems included the following:

First, patrons of the Malibu Inn parked in our structure which significantly adds to our liability to our tenants and to third parties resulting from intoxicated patrons

CC: Planning Commission, City Council, CA, PM, Recording Secretary, Reference Binder, File

alibu, California 90265 • Tel: 310-774-5300 • Fax: 310-774-5444

potentially causing property damage and personal injury. The joint use parking arrangement won't solve this issue. Our security patrol costs will increase.

Second, our building's parking structure is above street level and not easily visible from the street. Accordingly, the parking structure is an attractive location for patrons to congregate, resulting in increased clean up costs for us from the patrons' broken bottles, debris and relieving themselves on the property.

Third, our tenants, some of whom work late at night, have been harassed by intoxicated patrons in the parking structure.

Based on the numerous liability, public nuisance and health and safety issues raised by Malibu Inn's application, we request that it be denied or, alternatively, that sufficient conditions be imposed to alleviate these concerns.

Very truly yours,
American Commercial Equities

By: _____
Marvin M. Lotz
President

cc: Stephanie Danner *via email* sdanner@ci.malibu.ca.us
City of Malibu

Stefanie Edmondson *via email* sedmondson@ci.malibu.ca.us
City of Malibu

Los Angeles Regional Water Quality Control Board
320 West 4th Street
Los Angeles, CA 90013-2343

Robert J. Allan *via email* rjallan@aol.com
Trustee, Malibu Property Trust

Patricia Salazar

From:	Jessica Blair
Sent:	Friday, July 30, 2010 2:15 PM
To:	Patricia Salazar
Subject:	FW: Malibu Inn Petition
Attachments:	Malibu Inn Petition.pdf

RECEIVED
JUL 30 2010
PLANNING DIV.

From: Carleton Yoder [cyoder@rjallanlaw.com]
Sent: Friday, July 30, 2010 2:04 PM
To: Jessica Blair
Subject: Malibu Inn Petition

I have attached a PDF file of a petition 75 individuals signed by residents and other concerned individuals who are in support of denying Malibu Inn's request for a Conditional Use Permit allowing live entertainment until 2am or a nighclub in Malibu.

Please let me know if you have any questions.

Carleton Yoder
Allan Law Group P.C.
22917 Pacific Coast Highway, Suite 350
Malibu, CA 90265
(310) 456-3024
(310) 317-0484 [fax]
cyoder@rjallanlaw.com [email]

Date Received 7-30-10 Time 2:15 pm
Planning Commission meeting of 8-3-10
Agenda Item No. 6H
Total No. of Pages 8

CC: Planning Commission, City Council, CA, PM,
Recording Secretary, Reference Binder, File

Malibu Inn is under new ownership and is in the process of trying to get a live entertainment license and a liquor license. They want to have live bands play untill 2am 7 days a week. Do we need a nightclub serving alcohol till 2 am in Malibu? Do we need drunk patrons loitering around all night, more traffic and parking problems, and drunk drivers driving up and down PCH. Surfrider Beach residents are opposed to the Malibu Inn becoming a nightclub. Please kindly sign this petition in support of denying Malibu Inn's request for a Conditional Use Permit allowing live entertainment until 2am or a nightclub in Malibu. This will help ensure the safety and peace of mind of the residents of Malibu.

	Signature	Name	Address
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3		JAwelle Ericanna	23022 PCH Malibu CA 90265
4		Rick Mehlinger	1221 Ocean Ave, S.M. 90401
5		Andrew Jackson under reasonable conditions	3217 Sumac Ridge Dr MALIBU, CA 90265
6		Elann Schifman	5740 Calpine Dr Malibu Ca 90265
7		M. OSTERMAN	22601 PCH Malibu 90265
8		Tim Boyd-Smith	P.O.B 121 MALIBU 90265 -
9		Justin Sikes	23410 civic center way Malibu 90265
10		Gideon Ben Abu	23561 P.C.H. Malib, CA 90265

11		Alex Sitkovetsky	23302 W. Bocana St. Malibu 90265
12		Elena "	" "
13		Levon	3882 CROSS CREEK RD MALIBU.
14	Ron Drucker	RON DRUCKER	23030 PCH Malibu 90265
15		Gari Drucker	23030 PCH Malibu 90265
16		ALEXANDER ASTIN	23034 PCH MALIBU 90265
17	Helen S. Astin	HELEN S. ASTIN	23034 PCH MALIBU 90265
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20		Maria Moss	21757 Castlewood Dr. 90265
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22	Heather Jarvis		23310 W. Pompano St Malibu 90265.
23		D. Hodis	14013 Captains Row Marina Del Rey
24	B. Bernier	G. Bernier	14013 Captains Row NDR CA 90292
25	Dick Van Dyke		23215 W. Pt Dr Malibu 90265
26		GEOFF STERN	6415 SYCAMORE MEADOWS DR. MALIBU CA 90265
27		Wes Van Pelt	27500 Blyfield Rd. Agoura Hills 91301

28		BARRY UMANOFF	27800 BLETHORCE AD. AGOURA H.Hs
29		Lynell Perna	27412 Latigo Bay View Dr. Malibu
30		Chris Perna	27412 Latigo Bay View Dr. Malibu
31		Emily Goodling	25362 Malibu Rd. Malibu Ca. 90265
32		GENA LEE	21012 Costanso St W.H. Ca 91364
33		JULES HERSHFIELD	30004 Teal Creek Dr. Agoura CA 91301
34		TEA LEONI	9100 Wilshire Blvd 9TH FL
35		Tim Feit	11862 Stafford Lane
36		Bill Lawrence	6th Cliffside drive, Malibu
37		CHRISTA LAWIENCE	Malibu
38		REBECCA GRENNELL	UNDER REASONABLE CONDITIONS 3851 Sweetwater Cyn Malibu CA 90265
39		Jillian Rydell	28910 Bonifacio Dr malibu, CA 90265
40		Leslie Goldstein	29500-146 Heathercliff CA 90265
41		Sarah-Jayne Simon	5810 Zumirez Drive Malibu, CA. 90265
42		S Cunin	22933 PCH Malibu CA 90265
43	PATRICIA GREENFIELD		30724 El Pacifico Dr Malibu 90265
44	DIRK TWITCHELL		PO. 7684 THOUSAND OAKS CA.

45	MARK LINDSEY		SANTA MONICA, 90403
46	KOFI		P.O. Box 2852 Malibu, CA 90265
47	Dario Marchiano	Dario	205 E. Franklin Ave El Segundo Ca. 90245
48	Sharon Olan	Sharon Olan	20645 Seaboard Rd Malibu 90265
49		Ms. Olan	527 Via De La Paz Pac. Palisades, CA 90272
50		B. Olan	20645 Seaboard Rd Malibu 90265
51		Andy Lyons	27537 P.C.H. MALIBU 90265
52		ALLEN SARLO	22001 P.C.H. MALIBU CA 90265
53	Sophia Sarlo	Sophia Sarlo	22001 PCH Malibu CA 90265
54		Jeff Ho	2554 LINCOLN BLVD VENICE CA 90291
55		Linda Echegaray	26347 T.O. Blvd #180 Calabasas 91302
56		Jennifer Polk	26237 Fairside Rd Malibu CA 90265
57		Stephen Polk	26237 FAIRSIDE RD MALIBU CA 90265
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60		Y. Smith	21345 Rambla Vista Malibu CA 90265
61		Melissa Sawyer	22917 Pacific Coast Hwy Malibu, CA 90265

62		Carleton Yoder	5736 N. Las Virgenes Road 134, Calabasas, CA, 91302
63		Haus_Dan	3213 Colony View, Malibu, CA 90265
64		Jie zhu	1953 Goshen Ave #4 Los Angeles CA 90049
65		Stella W. Yap	23018 Pacific Coast Hwy, Malibu, CA 90265
66		Robert J. Allen	23018 P.C.A. Malibu CA 90265
67		Robert D Ludaescher	2965 Sherwin Ave, Ventura, CA 93003
68		Shahla Mahajeri	22917 Pacific Coast Hwy, Suite 350, Malibu, CA 90265 22849 Cass Ave., Woodland Hills, CA 91364
69		DAVID SINGELTON	22917 PCH #300 Malibu, CA 90265
70		Rafi Ramandsburg	22917 PCH #350, Malibu CA 90265 4330 Jasmine Ave, Culver City, CA 90232
71		JIM SMITH	22917 PCH Ste 300 Malibu, Ca. 90265
72		Nicole Jacuson	22917 PCH Ste 300 Malibu, CA 90265
73		Van Tran	22917 PCH #300A Malibu CA 90265
74		TRONG D NH	22917 PCH #300 A 90265
75		Edythe Huang	22917 PCH #350 Malibu, CA 90265
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Patricia Salazar

From: Jessica Blair
Sent: Friday, July 30, 2010 12:26 PM
To: Patricia Salazar
Subject: FW: Malibu Inn

RECEIVED
JUL 30 2010
PLANNING DIV.

From: Yoder, Carleton (student) [Carleton.Yoder@pepperdine.edu]
Sent: Friday, July 30, 2010 11:10 AM
To: Jessica Blair
Cc: Stephanie Danner
Subject: Malibu Inn

Ms. Blair,
It recently has come to my attention that the Malibu Inn has applied for permits which would allow them to serve alcohol and host live entertainment past midnight seven days a week. This will have a direct impact on me in two different ways. First, I am currently a law student at Pepperdine University. I regularly travel from Malibu to Santa Monica via the Pacific Coast Highway (PCH). As such, I know firsthand how congested PCH can be and know that the hundreds of people traveling to Malibu to see a show at the "Inn" will further frustrate my commute. Accordingly, I have a major concern about intoxicated individuals driving home on PCH after a show. Anyone who has been to a "club" that has live entertainment can attest to the fact that heavy drinking is often involved, and people drive home after the show when they most certainly should not. I do not want to have to worry, more than I already do, about driving home on PCH at night and being hit by a drunk driver. This situation is compounded by the fact that when a show is over, there will be a mass exiting from Malibu Inn. The majority of people leaving will either drive south to Santa Monica or north to Malibu Canyon, exposing risk to anyone who happens to be driving on PCH during that time frame. Furthermore, to stress how dangerous PCH already is, earlier this summer (June 4, 2010) my car was totaled when a LA County Public Works truck slammed into a row of cars parked alongside PCH causing a seven car accident. This happened around lunch time, with a driver who was sober. I can only assume that such occurrences will increase if individuals are able to party and drink until 2:00am at the Malibu Inn.
Second, I currently work in Malibu near the Malibu Inn. Every day I have to fight to find a parking spot. The side of PCH near Malibu Inn is constantly, and completely, lined with cars during all hours of the day. One can't help but wonder how much more difficult parking will become once Malibu Inn opens, and where hundreds of people will park when a live band plays.
I do have one more thing I would like to add. Being a twenty six year old graduate student, and one who used to but no longer goes out to clubs, I know through personal experience what a "bar and restaurant" is versus a "nightclub". While I may not frequent clubs anymore, I still do go to the occasional beer bar in Santa Monica. Said "bar and restaurant" is an upscale eatery and bar that is located on Main Street; however, the establishment does not offer shows and closes at 12:00am despite it being located in an entirely commercial area. The Malibu Inn's proposed hours of operation and pitch of live entertainment screams out "nightclub".
I hope you reconsider granting the Malibu Inn permits for alcohol and live entertainment.
Thank you,
Carleton Yoder

Date Received 7-30-10 Time 12:26 pm
Planning Commission meeting of 8-3-10
Agenda Item No. 6A
Total No. of Pages 1

CC: Planning Commission, City Council, CA, PM, Recording Secretary, Reference Binder, File

Jessica Blair

From: Stephanie Danner
Sent: Wednesday, July 28, 2010 4:18 PM
To: Joyce Parker-Bozylinski; Jessica Blair
Cc: Stefanie Edmondson
Subject: FW: Malibu Inn - Request For Public Hearing Postponement

RECEIVED
JUL 29 2010
PLANNING DIV.

From: Elizabeth Peterson [mailto:elizabeth@epgla.com]
Sent: Wednesday, July 28, 2010 2:24 PM
To: Stephanie Danner
Cc: Lester Tobias; Kambiz Hakim; Jane Weber; Steven Hakim; Brandon Finch; Ross Stephenson
Subject: Malibu Inn - Request For Public Hearing Postponement

RE: CUP No. 99-009
Variance No. 10-013
Joint Parking Use No. 10-001
The Malibu Inn - Request For Public Hearing Postponement

Hi Stephanie,

After consulting with the Applicant, we would like to respectfully request to postpone our scheduled public hearing for Tuesday, August 3rd in order to obtain some clarification and direction from Staff. We were hoping maybe to be placed on the Spetember 7th Public Hearing Agenda if that's still possible?

And as always, thank you again for your time and dedication to this case, it's greatly appreciated by all.

Respectfully,
Elizabeth Peterson

President
Elizabeth Peterson Group, Inc.
1850 Industrial Street, #606
Los Angeles, CA 90021
www.EPGLA.com

elizabeth@epgla.com
office: 213-674-2686
fax: 213-674-2689

Date Received 07-29-10 Time 8:00am
Planning Commission meeting of 08-03-10
Agenda Item No. 10F
Total No. of Pages 1

CC: Planning Commission, City Council, CA, PM,
Recording Secretary, Reference Binder, File

Jessica Blair

From: Janelle Friedman [janellefriedman@gmail.com]
Sent: Thursday, July 29, 2010 8:09 AM
To: Stephanie Danner; Jessica Blair
Cc: gnkjeep@aol.com
Subject: RE: Application re Malibu Inn/Hearing
Attachments: Malibu Inn.doc

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PLANNING DIV.

Dear Ms. Danner:

On closer look, I did receive the Notice of Public Hearing which was postmarked July 8, 2010. The hearing is August 3, 2010. That is less than 30 days notice, which is not enough time to change plans to accommodate the Hearing - especially in the summer months.

Again, I hereby request a continuance to the Hearing so that I may attend. In the event that a continuance is not granted, I have attached a letter outlining my objections.

Thank you and sincerely,

Janelle Friedman

From: Stephanie Danner [mailto:sdanner@ci.malibu.ca.us]
Sent: Friday, July 23, 2010 11:48 AM
To: 'janellefriedman@gmail.com'
Subject: RE: Application re Malibu Inn/Hearing

Ms. Friedman,

Your objections are noted. I will forward your email to the Planning Commission. The Commission is the only entity that may grant a continuance and they will decide whether or not to postpone the hearing on the evening of August the 3rd.

For the record, a Courtesy Notice of the Proposed Application was mailed to all property owners and occupants within 500 feet of the Malibu Inn on January 12, 2010. A notice was sent to both your residence at 23022 PCH and also to Barbara Mortensen, 681 San Lorenzo St, Santa Monica, CA (the owner of record per the LA County Assessor). A copy of this notice is attached for your reference.

Please note that there is no variance associated with the proposed project. Please refer to the staff report for further information on the project that will be before the Planning Commission:
http://www.ci.malibu.ca.us/download/index.cfm/fuseaction/download/cid/15925/

Regards,

Stephanie

Stephanie Danner
Senior Planner
City of Malibu Planning Division
23815 Stuart Ranch Road
Malibu, CA 90265
T 310.456.2489, extension 276
F 310.456.7650

Date Received 07-29-10 Time 8:00 am
Planning Commission meeting of 08-03-10
Agenda Item No. 6F
Total No. of Pages 4

CC: Planning Commission, City Council, CA, PM, Recording Secretary, Reference Binder, File

From: Janelle Friedman [mailto:janellefriedman@gmail.com]
Sent: Thursday, July 22, 2010 10:07 PM
To: Stephanie Danner
Cc: sedmonson@cl.malibu.ca.us; Stefanie Edmondson
Subject: Application re Malibu Inn/Hearing

Dear Ms. Danner:

My husband and I have just found out about the possible "nightclub" and variance being approved in the Malibu Inn space. Although we are across the street neighbors, this is the first we have been made aware of any plans to occupy that space. We understand that amplified live music, alcohol, and late hours are among the variances.

We live approximately 300' away from this establishment and STRONGLY OBJECT to the application requests. We are unable to attend the hearing and would like the opportunity to make our objections in person. Therefore, WE HEREBY REQUEST A CONTINUANCE TO THE HEARING.

Kindly respond at your earliest convenience.

Sincerely,

Mark & Janelle Friedman
23022 Pacific Coast Highway
Malibu, CA 90265
310-456-0809
janellefriedman@gmail.com
mark@levelfourllc.com

cc:Stefanie Edmonson

Janelle Friedman
23022 Pacific Coast Highway
Malibu, CA 90265

July 28, 2010

Planning Commission
Senior Planner Stephanie Danner
23815 Stuart Ranch Road
Malibu, CA 90265

RE: My Opposition to The Malibu Inn Application for a Conditional Use Permit 09-009 and Joint Use Parking Agreement No. 10-001

Dear Ms. Danner and Members of the Planning Commission:

I write to express my concerns regarding the Conditional Use Permit application submitted by the Malibu Inn that will allow live entertainment and alcohol until 2 AM and the Joint Use Parking Agreement.

I have resided across the street from the Malibu Inn for over ten years with my husband and two children, ages 12 and 14. When the Malibu Inn was open before as a bar and club, we often had problems with excessive noise, drunken people, accidents, and littering. One evening our neighbor's parked cars were hit by a drunk driver just outside our front door. One of the cars was totaled, but luckily no one was injured.

The Malibu Inn often had bands play that attracted a very rowdy crowd, and many times the Sheriff's were called to intercede.

Since the Beachcomber and Ruby's have opened, we have also experienced increased parking and traffic problems. I can't imagine what it will be like when the Malibu Inn starts having large events all week long. Currently there is not enough parking for the Pier visitors or employees, let alone the employees of the Malibu Inn.

The Beachcomber and Pier have live entertainment and many large events. The Beachcomber has become a source of extremely loud music on Friday nights attracting groups of late night drinkers as well. We are extremely concerned that when the Malibu Inn starts its late night activities, we will be surrounded by a "club zone".

This will affect our ability to enjoy the peace and quiet of our home, and more importantly, our safety, because I believe that late night drinking will increase the number of drunk drivers along Pacific Coast Highway. The only exit out of the Malibu Inn is north or south on PCH. This is a grave concern to my family, and I'm sure to all the residents of Malibu, the tourists who visit, and anyone driving along PCH as well. Malibu is "27 Miles of Scenic Beauty" and I hope the probability of unsafe driving is not increased.

Our neighborhood is both a residential and commercial area. There are apartments to the north of the Malibu Inn and many homes above the Malibu Inn as well. As such, the resident's interest should be taken into consideration.

Please re-examine the need for granting an entertainment and alcohol permit combined with late hours. In the alternative, please impose more conditions on the permit that would help minimize the impact on our lives as neighbors and protect the safety of all Malibu residents and visitors. For example, the Malibu Inn should be closed earlier (most places close by 12am on weekends and 11pm on weekdays), control over the volume from music and bands who play there, add more security guards to watch that guests who leave do not bother the neighborhood homes and cars.

Please postpone the Hearing to allow more residents to voice their opinions. In the event the Hearing is not changed, I hope the Commission will review and consider the issues in my letter.

Sincerely,

Janelle Friedman

cc:Stefanie Edmondson
Jessica Blair

Jessica Blair

From: Stephanie Danner
Sent: Tuesday, July 27, 2010 3:59 PM
To: Jessica Blair
Subject: FW: Application for Variance re Malibu Inn

RECEIVED
JUL 27 2010
PLANNING DIV.

Correspondence.

From: Jonathan Roth [mailto:jroth@CanyonPartners.com]
Sent: Tuesday, July 27, 2010 3:35 PM
To: Stephanie Danner
Cc: sedmonson@ci.malibu.ca.us; aliroth@gmail.com; Klaus
Subject: Application for Variance re Malibu Inn

Dear Ms. Danner:
My wife and I have just learned that the owners of the Malibu Inn space on Pacific Coast Highway are seeking a variance to obtain a liquor license and, among other things, to permit amplified music at the venue. Although we literally reside across the street, this is the first we have been made aware of any variance being sought for that space. Given the nature of the variance being sought, I would have expected to have received written notice of the upcoming August 3 hearing.

We live approximately 300' away from this establishment and STRONGLY OBJECT to the granting of any variance that will allow the sale of alcohol and permit amplified music. We understand that the hearing is set for the evening of next Tuesday, August 3. Because of the late notice, it is not likely that we will be able to attend the hearing. I also understand that a number of our neighbors will also be unable to attend. As such, we respectfully request that the hearing be postponed to a later date. We have strong objections to the granting of the requested variance and would like an opportunity to be heard.

Please let us know of your decision whether to postpone as soon as you are able so that we may plan accordingly. Thank you in advance.

Jonathan Roth
Principal
Canyon Capital Realty Advisors
2000 Avenue of the Stars
11th Floor
Los Angeles, CA 90067
310-272-1555 (phone)
310-272-1556 (fax)
310-272-1542 (assistant's line)
jroth@canyonpartners.com

Date Received 07-27-10 Time 4:00pm
Planning Commission meeting of 08-03-10
Agenda Item No. 6A
Total No. of Pages 1

CC: Planning Commission, City Council, CA, PM, Recording Secretary, Reference Binder, File

RECEIVED
AUG 02 2010
PLANNING DIV.

Malibu Management Inc.

ORIGINAL VIA HAND DELIVERY
Via email: jblair@ci.malibu.ca.us

July 30, 2010

Chair Mazza and Members of the Planning Commission
City of Malibu
23815 Stuart Ranch Road
Malibu, CA 90265

Re: Commission Agenda Report on The Malibu Inn's ("Applicant")
Application for a Conditional Use Permit 09-009 ("CUP") and
Joint Use Parking Agreement No.: 10-001 ("PA")

Dear Chair Mazza and Members of the Planning Commission:

We write in response to the proposed actions contained in the Commission Agenda Report dated July 22, 2010.

We are a tenant in the Malibu Plaza building at 22917 Pacific Coast Highway located one-half block from the Malibu Inn. We did not receive notice of the public hearing and suspect that other affected parties may not have received notice.

We join in the objections to the proposed actions contained in the July 27, 2010 letter from Robert J. Allan, Trustee (copy attached).

In addition to Mr. Allan's objections, we would like to note that before the Malibu Inn was closed in 2008, like Mr. Allan, we had numerous similar on-going problems with the previous owners and managers of the Malibu Inn.

Based on the numerous liability, public nuisance and health and safety issues raised by Malibu Inn's application, we request that it be denied or, alternatively, that sufficient conditions be imposed to alleviate these concerns.

Very truly yours,

Jim Smith
Vice President

Date Received 8-2-10 Time 8:00 am
Planning Commission meeting of 8-3-10
Agenda Item No. 6H
Total No. of Pages 2

[illegible] Coast Hwy · Suite 300 · Malibu · CA · 90265
) 774-5300 · Fax (310) 774-5333

CC: Planning Commission, City Council, CA, PM, Recording Secretary, Reference Binder, File

cc: Stephanie Danner *via email* sdanner@ci.malibu.ca.us
City of Malibu

Stefanie Edmondson *via email* sedmondson@ci.malibu.ca.us
City of Malibu

Los Angeles Regional Water Quality Control Board
320 West 4th Street
Los Angeles, CA 90013-2343

Robert J. Allan *via email* rjallan@aol.com
Trustee, Malibu Property Trust

Jessica Blair

From: Stephanie Danner
Sent: Friday, July 23, 2010 11:48 AM
To: Jessica Blair
Subject: FW: Application re Malibu Inn/Hearing

RECEIVED
JUL 23 2010
PLANNING DIV.

Correspondence.

From: Janelle Friedman [mailto:janellefriedman@gmail.com]
Sent: Thursday, July 22, 2010 10:07 PM
To: Stephanie Danner
Cc: sedmonson@ci.malibu.ca.us; Stefanie Edmondson
Subject: Application re Malibu Inn/Hearing

Dear Ms. Danner:

My husband and I have just found out about the possible "nightclub" and variance being approved in the Malibu Inn space. Although we are across the street neighbors, this is the first we have been made aware of any plans to occupy that space. We understand that amplified live music, alcohol, and late hours are among the variances.

We live approximately 300' away from this establishment and STRONGLY OBJECT to the application requests. We are unable to attend the hearing and would like the opportunity to make our objections in person. Therefore, WE HEREBY REQUEST A CONTINUANCE TO THE HEARING.

Kindly respond at your earliest convenience.

Sincerely,

Mark & Janelle Friedman
23022 Pacific Coast Highway
Malibu, CA 90265
310-456-0809
janellefriedman@gmail.com
mark@levelfourllc.com

cc:Stefanie Edmonson

Date Received 07-23-10 Time 12:00 pm
Planning Commission meeting of 08-03-10
Agenda Item No. 6H
Total No. of Pages 1

CC: Planning Commission, City Council, CA, PM, Recording Secretary, Reference Binder, File

NOTICE OF PUBLIC HEARING
CITY OF MALIBU
PLANNING COMMISSION

The Malibu Planning Commission will hold a public hearing on **Tuesday, August 3, 2010, at 6:30 p.m. in the Council Chambers, Malibu City Hall**, 23815 Stuart Ranch Road, Malibu, CA, for the project identified below.

CONDITIONAL USE PERMIT NO. 09-009, VARIANCE NO. 10-013 AND JOINT USE PARKING AGREEMENT NO. 10-001 — An application for a conditional use permit to permit the Malibu Inn restaurant with live entertainment which will serve liquor, operate between the hours of 7:00 a.m. and 2:00 a.m., and have a maximum restaurant seating capacity of 94 patrons, a maximum capacity of 340 patrons for entertainment events and 565 square feet of retail space at the 8,960 square foot commercial building; including a variance from the requirement that joint use parking be located within 300 feet of the use it serves.

APPLICATION FILING DATE:	December 3, 2009
APPLICANT:	Elizabeth Peterson
PROPERTY OWNER:	SKA Group, LLC
LOCATION:	22969 Pacific Coast Highway
APN:	4452-019-004
ZONING:	Commercial Visitor Serving – 1 (CV-1)
CITY PLANNER:	Stephanie Danner, Senior Planner (310) 456-2489, extension 276

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Division has analyzed the proposal as described above. The Planning Division has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and are therefore, exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared pursuant to CEQA Guidelines Section 15301 – Existing Facilities. The Planning Division has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

A written staff report will be available at or before the hearing. Following an oral staff report at the beginning of the hearing, the applicant may be given up to 15 minutes to make a presentation. Any amount of that time may be saved for rebuttal. All other persons wishing to address the Commission will be provided up to three minutes to address the Commission. These time limits may be changed at the discretion of the Commission. At the conclusion of the testimony, the Commission will deliberate and its decision will be memorialized in a written resolution.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Commission at any time prior to the close of the public hearing.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action for which the appeal is made and shall be accompanied by an appeal form and

Attachment 11

specified by the City Council. Appeal forms may be found online at www.ci.malibu.ca.us or in person at City Hall, or by calling (310) 456-2489, extension 374.

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.

If there are any questions regarding this notice, please contact Stephanie Danner, Senior Planner, at (310) 456-2489, extension 276.

Joyce Parker-Bozylinski

JOYCE PARKER-BOZYLINSKI, AICP
Planning Manager

Publish Date: July 8, 2010

Notice Continued...

A written staff report will be available at or before the hearing. Following an oral staff report at the beginning of the hearing, the applicant may be given up to 15 minutes to make a presentation. Any amount of that time may be saved for rebuttal. All other persons wishing to address the Commission will be provided up to three minutes to address the Commission. These time limits may be changed at the discretion of the Commission. At the conclusion of the testimony, the Commission will deliberate and its decision will be memorialized in a written resolution.

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If there are any questions regarding this notice, please contact Stephanie Danner, Senior Planner, at (310) 456-2489, extension 276, or at sdanner@ci.malibu.ca.us.

Date: July 8, 2010

By: Joyce Parker-Bozylinski, AICP, Planning Manager

Notice of Public Hearing

City of Malibu Planning Division
23815 Stuart Ranch Road
Malibu, CA 90265

Planning Division

City of Malibu
23815 Stuart Ranch Road
Malibu, CA 90265
(310) 456-2489 Fax (310) 456-7650

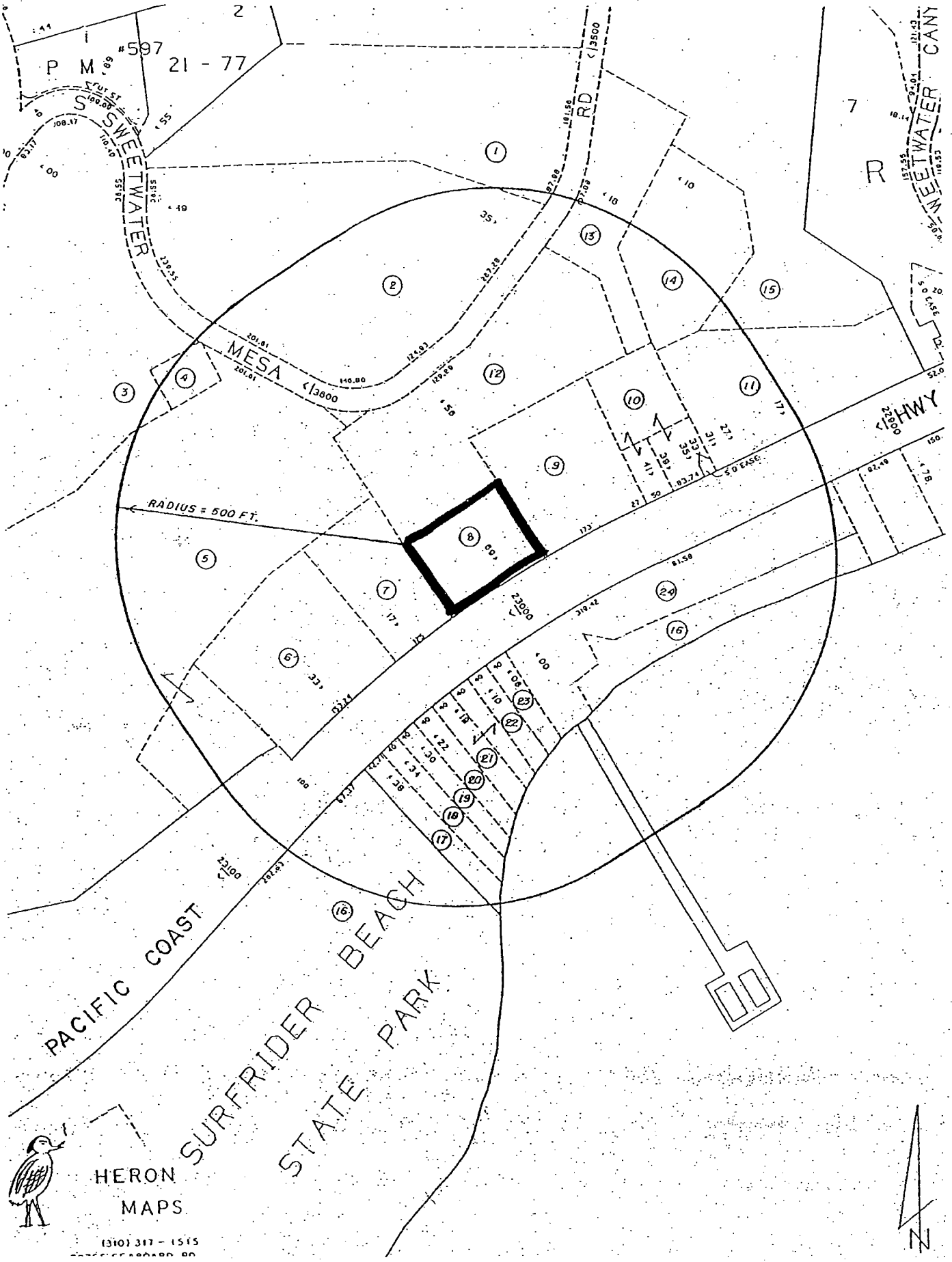
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APPLICATION FILING DATE:	December 3, 2009
APPLICANT:	Elizabeth Peterson
OWNER:	SKA Group, LLC
LOCATION:	22969 Pacific Coast Hwy
APN:	4452-019-004
ZONING:	Commercial Visitor Serving - 1 (CV-1)
CITY PLANNER:	Stephanie Danner Senior Planner (310) 456-2489, ext. 276 sdanner@ci.malibu.ca.us

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Division has analyzed the proposal as described above. The Planning Division has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and are therefore, exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared pursuant to CEQA Guidelines Section 15301 – Existing Facilities. The Planning Division has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).


P M #597 21 - 77
SWEETWATER
MESA
RD
HWY
RADIUS = 500 FT.
PACIFIC COAST
SURFRIDER BEACH
STATE PARK
HERON
MAPS
(310) 317 - 1515