

## Responses to Comments on the Draft Initial Study Mitigated Negative Declaration

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This section includes comments received during circulation of the Draft Initial Study Mitigated Negative Declaration (IS-MND) prepared for the Malibu Inn Motel Project (Project).

The Draft IS-MND was circulated for a 30-day public review period that began on February 19, 2021, 2021 and ended on March 22, 2021, 2021. The Draft IS-MND was circulated again for another 30-day review period, directed towards agencies due to a file discrepancy, that began on March 29, 2021 and ended on April 28, 2021. The City of Malibu (City) received 27 comment letters on the Draft IS-MND. The commenters and each commenter's identifying letter or number are listed below.

### Letter No. and Commenter

Comment Set/ Number of Comments		Name of Commenter	Date Received
Agency Letters			
A	A.1 – A.2	California Department of Transportation (Caltrans)	April 14, 2021
B	B.1 – B.16	Malibu Open Space Alliance	April 27, 2021
Individual Letters			
1	1.1 – 1.2	Cynthia Randall	March 7, 2021
2	2.1 – 2.2	David King	March 7, 2021
3	3.1	Christine Kauffman	March 8, 2021
4	4.1	Inez McGee	March 8, 2021
5	5.1	Katarina Vinegrad Calderon	March 8, 2021
6	6.1	Terry Lucoff	March 9, 2021
7	7.1 – 7.3	Carla McCloskey (1)	March 14, 2021
8	8.1 – 8.3	Lester Tobias	March 14, 2021
9	9.1 – 9.7	Jamie Ottilie (1)	March 15, 2021
10	10.1	Jamie Ottilie (2)	March 15, 2021
11	11.1	Lisa McKean	March 15, 2021
12	12.1 – 12.2	Susanne Titus	March 15, 2021
13	13.1 – 13.4	Carla McCloskey (2)	March 17, 2021
14	14.1 – 1 4.3	Jae FloraKatz	March 17,2021
15	15.1 – 15.3	John Stockwell	March 17, 2021
16	16.1 – 16.3	Lynn Saunders Guilburt	March 17, 2021
17	17.1 – 17.7	Matt Goodwin	March 17, 2021

**Malibu Inn Motel Project**

## Responses to Comments on the Draft Initial Study Mitigated Negative Declaration

Comment Set/ Number of Comments		Name of Commenter	Date Received
18	18.1 – 18.57	Patt Healy	March 17, 2021
19	19.1	Suzannah Owens	March 17, 2021
20	20.1	Judy Ettinger	March 18, 2021
21	21.1 – 21.7	Mark and Kim Dempster	March 18, 2021
22	22.1	Nick Eliopoulos	March 18, 2021
23	23.1	Paul Astin	March 18, 2021
24	24.1	Robert Allan	March 18, 2021
25	25.1 – 25.6	Roni Serrato	March 18, 2021

The comment letters and responses are organized as follows. The comment letters have been lettered first by agency, and then individuals' letters numbered by date received and then by first name, alphabetically. Each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the letter or number of the comment letter, and then the number assigned to each issue (Response A.1, for example, indicates that the response is for the first issue raised in comment Letter A, and Response 1.1 indicates that the response is for the first issue raised in comment Letter 1). Edits made to the IS-MND between the Draft and Final Draft manifest in a ~~strikeout~~ and underline format to identify removed and added text, respectively.





M. Adr...r...d...

A...2...1...

...3...3...

A.7  
cont.

...Mr. A...rd...  
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*Anthony Higgins for*

M...A...DM...  
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## Letter A

**Commenter:** Miya Edmonson, IGR/CEQA Branch Chief, California Department of Transportation (Caltrans)

**Date:** April 14, 2021

### Response A.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. The comment states this letter supersedes the letter dated March 17, 2021 as the Office of Planning and Research (OPR) provided incorrect project documentation. The commenter correctly identifies the proposed Project's general specifications and acknowledges vehicle miles traveled (VMT) is the standard transportation analysis for the California Environmental Quality Act (CEQA) as of July 1, 2020.

Comments regarding feedback of the IS-MND and associated Traffic Study will be included within the public record and made available to decision-makers for planning and policy consideration. Detailed responses to the discrete comments made by Caltrans regarding the Project are provided below.

### Response A.2

The comment states the Project should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. The commenter states the Project should prioritize and allocate space for efficient modes of travel, which would allow streets to transport more people in a designated right-of-way.

However, the Project is located along Pacific Coast Highway (PCH) which serves heavy through commuter and tourist traffic in a low density semi-rural area with minimal transit service, and is therefore not amendable to urban area alternative transportation solutions. In addition, PCH lies under the control of Caltrans, which has sole authority to implement changes to PCH. In the project vicinity, PCH provides limited pedestrian accommodation and no bicycle lanes. However, the project site would have pedestrian access provided via the sidewalk along PCH adjacent to the site where Malibu Pier connects to PCH as well as associated walkways entering the site. Landscaped planter strips would be installed along the pedestrian walkways and roadways throughout the project site. The project site would be a pedestrian-oriented landscape frontage. As described in Section 4.17.2, *Transportation-Impact Discussion*, under Impact A, "development of the Project would not interfere with public transit, bicycle, and/or pedestrian facilities, and would facilitate Americans with Disabilities Act (ADA) site access." Therefore, the Project is consistent with Caltrans's prioritization of multi-modal transportation along right-of-ways to the extent feasible from the roadway design of PCH in the City.

### Response A.3

The comment states Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets (a reduction of lanes that a pedestrian needs to cross, thus reducing their exposure to traffic) and other traffic calming measures.

The Project and IS-MND do not include a road diet or traffic calming features, as PCH is under the authority of Caltrans which has the sole authority to implement such measures. Further, PCH serves heavy through commuter and tourist traffic in a low density semi-rural area with minimal transit service, and is therefore not amendable to urban area alternative transportation solutions such as road diets or traffic calming. However, the City would consider supporting any such changes implemented by Caltrans. Further, as stated in Section 4.17, *Transportation- Impact A*, “per the OPR December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact. Per the Institute of Transportation Engineers (ITE) Trip Generation 10<sup>th</sup> Edition trip generation rates, the total daily Project trips are estimated as 68. As such, impacts to transportation would be less than significant.” Therefore, no road diet or other traffic calming measures are required for the Project due to its less than significant traffic impact. Nevertheless, the comment will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response A.4**

The comment states Caltrans has published VMT-focused Transportation Impact Study Guide dated May 20, 2020 and Caltrans Interim Land Development and Intergovernmental Review Safety Review Practitioners Guidance dated December 18, 2020.

The IS-MND provides analysis consistent with Caltrans adopted standards, including both VMT analysis as well as documented safety issues along PCH. The IS-MND relies on VMT-based analysis for roadway capacity assessment pursuant to Senate Bill (SB) 743 as the CEQA metric for impact analysis. As described in Section 4.17, *Transportation*, the City is in the process of creating local transportation assessment guidelines consistent with SB 743 and OPR’s guidance, but these guidelines are not yet available and trip length estimates for hotel/motel uses in the City have not been established. However, Caltrans has chosen to use VMT as the CEQA transportation metric for projects on the State Highway System. As the Project is located on the State Highway System, VMT was used for impact analysis purposes and is consistent with Caltrans comment.

### **Response A.5**

The comment asserts that Alternative 3 is recommended by Caltrans since it will always maintain the internal access with no access restriction between two adjacent areas. The comment also notes that any work performed within the State right-of-way will require an Encroachment Permit including a construction management plan from Caltrans when the driveway construction is in the State right-of-way.

Appendix C, *Transportation Studies*, of the IS-MND provides a detailed description of Alternative 3, and ultimately recommends this as the preferred alternative as the pros outweigh the cons in roadway access and circulation. Additionally, the IS-MND in Section 4.15, Public Services, states the “modified driveways would require review and approval of an Encroachment Permit by Caltrans.” If approved, the Project and Applicant would coordinate with Caltrans further for all necessary permitting. Therefore, the comment directly aligns with the IS-MND and associated Appendix C.

## **Response A.6**

The comment states the Project should be designed to discharge clean water, and that discharge of stormwater runoff is not permitted onto State Highway facilities without a stormwater management plan.

As described in Section 4.10, *Hydrology and Water Quality*, of the IS-MND, the Project would comply with State requirements for stormwater discharge. The Project would not have the potential to exceed drainage flows during design year storms, which has the potential to continue to outlet to PCH and may contain contaminants associated with urban areas (e.g., oil and grease). To minimize and avoid contamination runoff onto PCH and ultimately the Pacific Ocean, the Project would implement specific Best Management Practices (BMPs) to retain and treat stormwater on-site. BMPs include catch basins at varying levels of the proposed structure leading up to the retaining wall in addition to locations in the surface parking areas. The Applicant would be responsible for routine maintenance of the catch basins, filter inserts, and water store tank. Additionally, implementation of the approved water quality plans for the Project would ensure pollutants do not runoff and enter PCH and the Pacific Ocean. Therefore, the Project is consistent with Caltrans comment.

## **Response A.7**

The comment states the Project is required to have a transportation permit from Caltrans for transportation of heavy construction equipment and/or materials that require the use of oversized transport vehicles on State highways. Caltrans recommends large size truck trips be limited to off-peak commute periods and idle times to not exceed 10 minutes.

As described in Section 1.4, *Project Approvals*, the Project is required to obtain permit approval for hauling on Caltrans right-of-way, such as along PCH, which may include additional construction-related requirements to obtain approval as mentioned above. Further, as described in Section 4.17, *Transportation*, of the IS-MND, the City applies Local Coastal Plan standard conditions to all applicable projects to minimize impacts to transportation and traffic including but not limited to: “for the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from Caltrans.” Comments regarding recommendations for the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and will be available to decision-makers for planning and policy consideration.

MALIBU OPEN SPACE ALLIANCE

Received

4/27/2021

Planning Dept.

TO: Adrian Hernandez, Principal Planner  
FROM: Malibu Open Space Alliance by Charlotte Frieze  
RE: Malibu Inn Motel Mitigated Negative Declaration  
DATE: April 22, 2021

B.1

***“The CV-1 District is intended to provide for visitor serving uses, including motels and bed and breakfast inns, which serve visitors and residents that are designed to be consistent with the rural character and natural environmental setting.”***

B.2

It is not clear how this project benefits the residents of Malibu. Nor how it is designed to be consistent with the rural character and natural environment. A project that requires this number of variances is not one that is respectful of Malibu’s residents, its rural character and natural environmental setting and its Malibu Building Codes.

Malibu has building codes and guidelines for the purpose of steering the development within the City. The City Planning Department should be working to benefit Malibu residents and insist that developers design to meet these codes.

B.3

Malibu’s Mission and Vision Statements have been ignored by the Planning Department in their review of this project. This project is far from residential in scale. It accelerates urbanization in the center of Malibu.

If City staff were working to prevent the urbanization of Malibu, they would have recognized that the proposed project is out of scale with central Malibu. Malibu instated codes to prevent super sized structures to over shadow the low, beach community type buildings for which Malibu is known. For instance the neighboring Chabad building and the Casa Escobar are both under 18 feet high. The Municipal Code and MLCP were enacted to prevent the repeat of the overpowering County approved clock tower.

The total effect of the Malibu Inn Motel when combined with the clock tower building is to create a concrete canyon where before there was a naturally sloping coastal bluff. This is appropriate for a large city not a coastal destination that attracts tourists for its ***rural character and natural environmental setting.***

B.4

How could the City staff not recognize that not only does the FAR exceed the allowable FAR, but the height has been miscalculated as well? The height should have been calculated from grade making this structure 46 feet to the top

- B.4 cont. of the elevator shaft not the allowable 28 feet. In actuality this project is a two-story motel with a one-story garage and a 4<sup>th</sup> floor pool deck that is serviced by an elevator and surrounded by a 36-42" high guardrail. The so-called subterranean parking is only 4 feet below grade with most of the parking above grade.
- B.5 The property currently meets the adjacent properties at grade. The renderings illustrate the walls required to retain the slope on the sides as well as behind the structure. Whereas the sidewalk currently meets the grade flush, the outdoor parking is a car height above and requires a sloped driveway for entry. This does not demonstrate a project that is trying to fit into the community as required by CV-1: "**designed to be consistent with the rural character and natural environmental setting.**" This project is instead a dominating presence especially when combined with the overpowering retaining wall built into the hillside.
- B.6 It is also more difficult for a car or delivery vehicle to make the turn off PCH up a slope. This could cause back ups on PCH in an already congested area. In addition the slope could become a skateboarders dream.
- B.7 Malibu has a distinctive character dominated by its mountains and bluffs that descend to PCH. The developer seemingly ignores the site's existing geological restraints by proposing to construct a 56.5-foot high retaining wall that cuts off the toe of the sloping natural coastal bluff.
- B.8 The coastal bluffs give Malibu its character. How can the City permit cutting into the face of a coastal bluff in the center of town? This is **not "consistent with the rural character and natural environmental setting"**.
- B.9 This is an unstable bluff in a seismically active area. Malibu is known for its heavy rains and mudslides. What studies have been made to confirm the continued stability of the hillside once the project cuts into the existing slope to construct the retaining wall? What studies have been made to ensure the stability of the residential structure perched above this site?
- B.10 The Malibu code allows for 1000 cu yds. of grading. The resulting cut and fill should be balanced and remain on site and not be exported. Grading into the bluff is not exempt. The Malibu Inn Motel project proposes 12,649 cu yds. of cut into a natural bluff. This is an amount they cannot reuse on the limited site. Hauling this amount of cut would require over a thousand truckloads each containing 10 cu yds. To say this would disrupt traffic and business in a key tourist area across from the renowned Malibu pier would be an understatement.
- B.11 By code retaining walls in Malibu cannot exceed 6 feet. To fit this hotel into the site requires not only the rear 56.5-foot massive retaining wall but also high side retaining walls. The proposed hotel is embraced by retaining walls on three

B.11 cont. sides to make its elevated construction possible. Consequently the hotel's ground level in effect sits one story above the adjacent properties dominating the streetscape. This not only requires excessive excavation but also would create an uncomfortable condition on the adjacent properties. Instead of a continuous flow both visually and actively from property to property on grade, this project bumps the grade up using terracing.

B.12 It is necessary to review more carefully the Traffic numbers provided by the developer. The traffic and congestion in the Pier Area and the number of accidents and deaths increase annually. Since the Woolsey Fire and the beginning of the Covid Pandemic, there has been a change in traffic flow. There is more construction in Malibu at a time when more people have chosen to work from home. Others have more flexible working hours that has led to an increase in tourism especially to Malibu's beaches and hiking trails. What used to be summer time weekend traffic has become year-round traffic. In pre-summer traffic it regularly takes 45 minutes on a weekend to travel from Big Rock to Trancas.

B.13 Emergency vehicles already are challenged by the weekend gridlock.

Parking is a critical challenge in the area due to the demands for employees as well as visitors. Cars waiting on the street to pull into parking lots block an entire lane on weekends reducing the traffic flow to a crawl.

B.14 It is time for the City to address the totality of the parking and circulation in this key tourist zone including the proposed Sea View Hotel and Malibu Inn Motel, the Malibu Beach Inn, Nobu, Soho House, the Malibu Pier and up to and including the Surfrider Beach Parking lot. Let's learn from Orange County where the beachside communities are now parking lots and major highways have been constructed to circumvent them.

B.15 Now is the time for Master Planning that takes into consideration the Vision and Mission statement that respects Malibu's rural character and natural setting, the continuous urbanization of Malibu, increased tourism traffic, parking challenges, increased pressure on groundwater, and most importantly SAFE EVACUATION. Residents of Western Malibu can attest to the fear created by congestion as they tried to flee the Woolsey Fire. PCH was moving at a snail's pace. Many drove through fire on both sides of PCH to reach safety.

In this time of Climate Change, it is necessary to rethink Malibu's development goals. **Recycle, Reuse, Reduce** should be foremost in developing a Master Plan for Malibu.

B.16 Malibu residents come first. Let's plan to preserve our community not make money for the developers. The money made by developers after all leaves

B.16  
cont.

Malibu. We should encourage projects that respect Malibu and support small businesses.

Malibu is a sliver of paradise tucked in between the Santa Monica Mountains and the Pacific Ocean. Let's work together to keep it that way.

Thank you,

Charlotte M. Frieze  
Founding Member  
Malibu Open Space Alliance

## Letter B

**Commenter:** Charlotte M. Frieze, Malibu Open Space Alliance

**Date:** April 22, 2021

### Response B.1

The commenter states the visitor serving commercial (CV-1) zone district is intended to provide visitor serving users and be consistent with the rural character and natural environmental setting.

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. As described in Section 4.11, *Land Use and Planning*, the Project's proposed motel use would be consistent with the CV-1 zone district. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### Response B.2

The comment states it is unclear how the Project would benefit residents of Malibu and be consistent with the rural character and natural environment. Further, the comment states that a project with many variances is not respectful of City Code.

The Project would expand overnight accommodation access in the City, which would provide additional transient occupancy tax (TOT) revenue for the City to provide services and City improvements to residents, as well as benefiting local businesses such as restaurants and retail uses through increased visitation. Additionally, the Project would support resident's capacity to have overnight accommodation access for visiting family and friends. With regards to consistency with the rural character and natural environment of the area, the project site lies along PCH, a busy 4-lane arterial generally lined with existing 2- to 3-story commercial structures and only very limited natural habitats bordering or in the immediate vicinity of the site. Therefore, while many areas of the City are decidedly rural, the project site and vicinity are less so, and proposed development would generally be consistent with surrounding uses. Comments regarding the usefulness of the Project to City residents do not directly pertain to the analysis within the IS-MND.

With regards to variances, as described in Section 1.4, *Project Approvals*, of the IS-MND, the Project would require four variance approvals for grading, slope construction, retaining wall height, and surface parking setback. As described in the IS-MND, extensive technical studies particularly in regards to geology and soil impacts (refer to Section 4.7, *Geology and Soils*) have been completed for the Project. Technical expertise and the IS-MND conclude the Project would be safe to the public and environment with inclusion of the proposed variances. Approval of the Project and associated variances will be determined by the City. Therefore, the IS-MND provides analysis of impacts and required mitigation measures which directly address issues associated with the proposed variances. Nevertheless, comments regarding concern of the required extent of variances will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response B.3**

The commenter states the Project is inconsistent with Malibu's Mission and Vision Statements, and would increase urbanization including through the height of the building. The commenter adds the Project when combined with the clock tower creates a concrete canyon and would not be consistent with the rural character and natural environmental setting.

The Project is consistent with the City's mission and vision statements and would not accelerate urbanization, nor create inconsistency with the character of the City. The project site is located along PCH, a busy 4-lane arterial generally lined with existing 2-story commercial structures in the City's CV-1 zone district, which allows for motel development. Given surrounding uses, the Project would not create a "concrete canyon". As stated in Section 1.4, *Project Approvals*, the Project would require a height variance for development of the retaining walls in excess of six feet in height (Approval of Variance NO. 18-031), and Project approvals and approvals of variances are required by the City's Planning Commission.

### **Response B.4**

The commenter states the City did not recognize that the Project's floor-area ratio (FAR) exceeds the allowable FAR as well as that the building's height was miscalculated. The commenter feels the correct height is 46 feet (including the elevator shaft) not the allowable 28 feet. The commenter also disagrees that the structure is 2-stories and instead should be described as 4 stories to include the parking garage and rooftop deck.

The Project's FAR is correctly calculated at 0.15, which is consistent with City code. As described in Section 4.11, *Land Use and Planning- Impact B*, the Project proposes 7,693 square feet (sf) of commercial floor area on a 51,352 sf (1.18 acre) parcel, the resulting FAR would be 0.15, consistent with the maximum FAR permitted. The Project would require approval of Coastal Development Permit (CDP) No. 09-067, ensuring adherence to local and regional policies and goals throughout implementation of the Project. Therefore, the commenter's statement in regards to FAR exceedance is not accurate. Consistent with the Malibu Municipal Code (MMC), the Project does not include the subterranean parking lot as a floor in the building as it is located below ground and consists of interior parking spaces. Additionally, the rooftop deck is not a floor as defined under the MMC, but instead an additional use area located on a rooftop, which are not typically designated as a floor in commercial development in the City under adopted codes. Comments regarding concern of the details of the height of the Project as defined under the MMC that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration. It should be noted that the IS-MND discusses potential impacts to visual resource and aesthetics, as well as potential consistency with adopted City policy; impacts were found to be less than significant.

### **Response B.5**

The commenter states the required sloping of the driveway for entry to the subterranean parking structure would not be consistent with the rural character and natural environmental setting required in CV-1 district. The commenter feels the Project is a dominating presence when combined with the retaining wall.

Subterranean parking lots are permitted within the CV-1 district in the City, which require sloped driveways to enter. The commenter states that the Project's driveway design is inconsistent with policies

related to the rural character and natural environmental setting. However, as described above, the Project is located along PCH, a busy 4-lane arterial generally lined with existing 2-story commercial structures, similar in size, bulk and scale to development nearby to the east and west of the site, including the Surfrider Inn. Please refer to Section 3.1, *Aesthetics*, for further discussion of driveway design and the limited visibility of the retaining wall.

## **Response B.6**

The commenter states the sloped driveway would make vehicle entrance of PCH more difficult and increase congestion. The commenter states that the driveway slope would be a skateboarder's dream.

The driveway to PCH does not have any steep slopes, and the design of the subterranean parking lot's driveway would not increase traffic congestion from the existing level at the current surface parking lot. A through traffic study prepared by a licensed traffic engineer was prepared for the Project as described in Section 4.17, *Transportation*, which determined the Project would generate no more than 8 trips during the AM peak hour and 10 trips during the PM peak hour that would utilize this driveway. The proposed driveway alteration was reviewed by the City Public Works which ensured the driveway was properly designed so as not to substantially increase traffic hazards along PCH and would have excellent line-of-sight in both directions. With this review, the driveways would not pose any more safety effects than the existing driveway and would be similar to others entering PCH in the vicinity. Further, the Traffic Study concluded the proposed driveway system would improve onsite circulation and the sites connection with PCH and would not significantly impact operational efficiency of PCH's intersections. Therefore, the Project's driveway would not significantly impact traffic flows, turning movements, safety or congestion along PCH. Comments regarding concern of skateboard use of the driveway that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

## **Response B.7**

The commenter notes that the mountains and bluffs in Malibu form a key part of the City's rural and natural environmental character, and states the developer ignores the site's geological restraints by placement of a retaining wall in the toe of a coastal bluff.

The Project would not reduce mountain or coastal bluff views and the building's roofline would remain well below the top of the slope and would not obstruct or alter any mountain views. Please refer to Section 4.1, *Aesthetics*, for analysis of the Project's design in consideration to view protection and potential impacts. The Project would not increase risks to the environment or public associated with potential geologic hazards of landslide or slope collapse by placement of the Project along the toe of the slope. The Project's geotechnical report thoroughly assesses these potential hazards and the adequacy of the site's proposed retaining wall and grading to avoid hazards. The geotechnical reports prepared for this Project's safety and stability include recommendations and approaches that address rainfall and earthquake hazards. For instance, Project design includes an additional freeboard on the rear yard retaining wall to provide added stability and tie backs for soil stability and fluid pressure accommodation.

## **Response B.8**

The comment states the coastal bluffs give Malibu its character, and cutting into the coastal bluff would be inconsistent with the rural character and natural environmental setting.

The IS-MND addresses the potential changes in visual character of the site and slope and notes that views of the upper slope would not be impeded. Further, the Project would be generally visually consistent with existing buildings such as the existing Surfrider Inn to the west and Malibu Plaza to the east, both of which partially block views of the slope. Thus, the Project would not constitute a noticeable change from existing visual conditions along PCH. The City's code does not restrict development from obstructing a portion of the slope in the CV-1 zone district. The commenter asserts with evidence or citation of precedent that placement of a 2-story building, which is similar in size and height to other previously approved buildings along PCH within the CV-1 zone district to the east and west would be inconsistent with the rural character and natural environmental setting. However, as noted above, this segment of PCH is already relatively intensively developed, and while scenic, is not one of the City's more natural or rural areas and the Project would effectively constitute infill between the large scale Malibu Plaza to the east and the Surfrider Inn to the west.

### **Response B.9**

The commenter states the Project is located adjacent to an unstable bluff in a seismically active area that is known for heavy rains and mudslides. The comment asks what studies have been done to confirm the continued stability of the hillside after placement of the retaining wall as well as to residential structures above the site.

While the City may be seismically active and support areas prone to mudslides, the bluff at the project site has been subject to extensive study by qualified geotechnical experts and has not been found to be particularly unstable (see Appendix B). These studies have set forth a detailed set of *required* recommendations to address slope stability, provide adequate design of the retaining wall and ensure protection of structures upslope from the Project. The City's code does not require all cut and fill to remain onsite for construction projects. As described in Section 4.7, *Geology and Soils-City Standard Conditions of Approval*, the Project would comply with City Standard Conditions of Approval. Additionally, all recommendations of consulting certified engineering geologist or geotechnical engineer and/or City geotechnical staff related to grading will be incorporated into the final design. Further, the Project would be required to follow design provisions through the International Building Code (IBC) and California Building Code (CBC) (as adopted by the City of Malibu and codified in MMC Section 15.04.010) to employ design standards that consider seismically active areas to safeguard against major structural failures or loss of life, including standards related to material composition and hillside tie-backs. Therefore, as described in the IS-MND, the Project would be required to incorporate adequate design measures to reduce impacts from seismic activity risk from slope development. Finally, the IS-MND does not state grading on a slope is an exempt activity, and as stated above would comply with all required approvals and design methods.

### **Response B.10**

The comment states the Malibu code allows for 1,000 cubic yards (cy) of grading, and cut and fill should be balanced onsite. The comment also states grading on a bluff is not exempt and that the Project would require thousands of truckloads of graded materials containing 10 cy, which would disrupt traffic.

The IS-MND acknowledges the Project's exceedance of the City code's 1,000 cy per commercial acres of non-exempt grading would require a variance approval (Variance No. 18-029), as stated in Section 1.4, *Project Approvals*. However, the City's code does not require all cut and fill to remain onsite for

construction projects. The IS-MND identifies the required projected number of heavy haul truck trips for export of materials during project construction and addresses associated potential impacts to transportation, air quality and other issues. As described in Section 1.3, *Project Description*, export of approximately 12,255 cy of excavated soil would require use of approximately 613 to 875 heavy haul truck trips, assuming use of 14 to 20 cy haul trucks, though notes the average amount varies. As described in Section 4.17, *Transportation*, traffic control measures would be required, such as through use of flaggers for trucks entering and leaving the site along PCH.

## **Response B.11**

The comment states City code does not allow retaining walls to exceed 6 feet. The comment states the proposed 56.5 foot retaining wall touches the hotel on 3 sides, which would elevate the Project's ground level to be one story above adjacent properties resulting in an uncomfortable condition and visual impacts.

The IS-MND acknowledges the Project's retaining walls would not be exempt from approval and that the Project is required to apply for approval of a variance for this retaining wall, as stated in Section 1.4, *Project Approvals*. The commenter incorrectly states the retaining wall would be 56.5 feet; as stated in Section 1.3, *Project Description*, the retaining wall would be installed at the north side of the motel structure along to retain the graded slope and would extend up to 46 feet in height above the elevation of the first floor, constructed to secure the slope following excavation. The proposed structure and proposed trees would obscure the vast majority of the retaining wall, resulting in less than significant impacts, as further discussed in Section 4.1, *Aesthetics*.

## **Response B.12**

The commenter asserts the Project's traffic numbers need to be more carefully considered due to existing traffic and the number of accidents annually. The commenter adds since the Woolsey Fire and beginning of COVID-19 pandemic, more construction has occurred in the City and tourism has increased.

The IS-MND and associated traffic study carefully document and support project increases in traffic volumes as well as accident patterns and frequency along PCH. The COVID-19 pandemic is anticipated to have included abnormal traffic volumes in the City. Therefore, the IS-MND, as stated in Section 4.17, *Transportation*, uses traffic counts collected in 2019 to provide a more representative typical long-term level of traffic "pre-pandemic". As described in Section 4.17, *Transportation-Impact A*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The IS-MND acknowledges that PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. Based upon the traffic study contained in Appendix C, the Project is projected to generate a net increase of approximately 68 average daily trips (ADT), which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation*.

### **Response B.13**

The comment states emergency vehicles already experience challenges from weekend traffic congestion.

The Project would not result in a significant impact to emergency vehicle access to PCH or resident evacuation during disasters including wildfires. As stated in Section 4.9, *Hazards and Hazardous Materials*, the Project's incremental increase in traffic would not substantially increase congestion during disasters and would have less than significant impacts as it would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Caltran's review of the Project's Encroachment Permit would ensure circulation modifications to the driveways (e.g., removing one western driveway and inserting one eastern driveway) would not impact emergency operations on PCH. Additionally, options available to emergency vehicles such as using sirens to clear a path of travel or driving in opposite traffic lanes would ensure the effect of any incremental increases in traffic remain less than significant. Please refer to Section 4.9, *Hazards and Hazardous Materials*, for further discussion of emergency vehicle access to the site and PCH.

### **Response B.14**

The comment states the City needs to address the parking and circulation issues in the key tourist zone around the Malibu Inn Motel and other major businesses.

The IS-MND thoroughly addresses potential parking and circulation impacts associated with the Project, including cumulative impacts and finds all impacts are less than significant, with mitigation. Finding a parking solution for this area is not in the purview of this IS-MND and the comment will be made available to decision-makers for planning and policy consideration.

### **Response B.15**

The comment states master planning must take into consideration Malibu's rural character and natural setting, continuous urbanization of Malibu, increased tourism traffic, parking, groundwater, and most importantly safe evacuation. The commenter states traffic along PCH caused a safety concern during the Woolsey Fire due to the slow speed on both sides of PCH.

The IS-MND considers all aspects considered by the commenter, including biological resources, aesthetic considerations, traffic, parking, groundwater, evacuation, and safety. Additionally, all comments will be included in decision-maker considerations on Project approval. The IS-MND considers the City's natural setting within Section 4.4, *Biological Resources*, which considers species and natural habitats, rural character within Section 4.1, *Aesthetics*, which considers the area's topography and existing development, and groundwater within Section 4.10, *Hydrology and Water Quality*, which considers the Project's potential impacts on surface and subterranean water quality. Traffic and safety considerations are included within Section 4.17, *Transportation*, including congestion, vehicle miles traveled, and geometric hazards from site ingress and egress, and safety and evacuations – particularly those from wildfire. Further, Sections 4.20, *Wildfire*, 4.17, *Transportation*, and 4.9, *Hazards and Hazardous Materials*, note that the Project would not exacerbate existing wildfire threat nor impede potential evacuation efforts.

## **Response B.16**

The comment states the City should rethink development to consider recycle, reuse, and reduce. The comment asserts Malibu residents should come first and the community should be preserved above making money for developers.

The IS-MND provides detailed analysis of all potential Project impacts and requires mitigation measures to address such where required. Comments regarding opposition to the proposed Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [cynthia\\_randall](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** Re: Hotel Project  
**Date:** Sunday, March 7, 2021 1:27:57 PM

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Mr. Hernandez:

1.1

As a Malibu resident, I oppose the new hotel proposed to be built across from the pier. During summer and weekends, that area is already way too congested with people looking for parking and making dangerous u-turns.

1.2

Instead, we desperately need a PARKING lot (preferably multi-story) there!!! Other towns make sure to have public parking. Why doesn't Malibu???

Thank you,  
Cynthia Randall Hutchison  
21331 Rambla Vista  
Malibu, CA90265

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*Peace and blessings,*

*Cynthia Randall*



## Letter 1

**Commenter:** Cynthia Randall, Malibu resident

**Date:** March 7, 2021

### Response 1.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter states that they oppose the Project to be built across from the pier due to the area's existing traffic congestion and associated safety concerns for parking and U-turns by the public.

However, the proposed Project would provide safe and legal vehicular access and would not substantially increase traffic on PCH. As described in Section 4.17, *Transportation-Impact A*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation and access to PCH and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation*. Please refer to Section 4.17, *Transportation*, for further discussion of transportation related issues. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### Response 1.2

The commenter suggests the site should be a parking lot to address existing public parking challenges in the City.

The Project would not substantially affect parking demand in the area, would provide adequate parking and would include a total of 24 parking spaces for Malibu Inn under a Joint Use Parking Agreement (JUPA). Malibu Inn's parking is currently addressed at the site through a JUPA, as described in the IS-MND. Further, the Project complies with MMC requirements for parking as described in Section 1.3, *Project Description of the IS-MND*.

*"The Project would provide 47 parking spaces, as detailed in Table 2, Proposed Parking Program. Per MMC requirements and the JUPA, one parking space is required for every 50 sf of restaurant floor area for the restaurant that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 spaces that are required from the adjacent Malibu Inn property. Additionally, per MMC Section 17.48.030 – Specific Parking Requirements – one parking space for each lodging unit (keyed room) is required, totaling 20 spaces, in addition to one space for the average, per-shift number of employees, totaling 3 spaces. As a result, the Project is required to provide a minimum of 47 parking spaces to be consistent with MMC requirements."*

In addition, as described in Section 4.17, *Transportation- Impact A*, of the IS-MND, the Project would increase the amount of onsite parking by 7 spaces from existing capacity, and similar to existing

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conditions, the property owners are contemplating the installation of car lifts in excess of the minimum required parking spaces, which they would make available for paid public parking during periods of lower occupancy.

Nevertheless, comments regarding opposition to the Project that do not directly pertain to the adequacy of analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [DL King](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** Proposed Malibu Inn  
**Date:** Sunday, March 7, 2021 3:13:20 PM

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To Whom it my concern

- 2.1 I object to the propose construction. I have live in Malibu since 1976. It is necessary to maintain a infrastructure to support residents and tourists. Turning one of the few available parking areas in that area into a motel is ridiculous.
- 2.2 That area has a major amount of congestion on it's good days. Adding to it makes no sense with such a limited payback for the overall community.

Sincerely,

David L. King

## Letter 2

**Commenter:** David King, Malibu resident

**Date:** March 7, 2021

### Response 2.1

The commenter states that they oppose the Project due to the conversion of a public parking lot to motel use.

The project site is currently operated as a private parking lot where the public is allowed to park for a fee. The Project would include a total of 24 parking spaces for Malibu Inn under a JUPA. Malibu Inn's parking is currently addressed at the site through a JUPA, as described in the IS-MND. Further, the Project complies with MMC requirements for parking as described in Section 1.3, *Project Description* of the IS-MND.

The Project would provide 47 parking spaces, as detailed in Table 2, Proposed Parking Program. Per MMC requirements and the JUPA, one parking space is required for every 50 sf of restaurant service area for the restaurant that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 spaces that are required on the project site from the adjacent Malibu Inn property. Additionally, per MMC Section 17.48.030 – Specific Parking Requirements – 23 spaces are required of the project site. In addition, as described in Section 4.17, *Transportation- Impact A*, of the IS-MND, the Project would increase the amount of onsite parking by 7 spaces from existing capacity and similar to existing conditions, and some stacked parking spaces may be made available for paid public parking during periods of lower occupancy.

Nevertheless, comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### Response 2.2

The commenter states the area experiences a major amount of congestion typically, so an additional source of traffic would have limited payback for the community.

The Project would not add a significant number of trips to the area. As described in Section 4.17, *Transportation-Impact A*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The IS-MND acknowledges PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation*. Please refer to Section 4.17, *Transportation*, for further discussion of transportation

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related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [christine kauffman](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** Motel  
**Date:** Monday, March 8, 2021 3:13:54 PM

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3.1

I have lived in Malibu for over 20 years. I stopped driving 7 years ago because I found the traffic to be too unpredictable for someone in their 60s. Between weekend traffic, summer traffic, blissed out surfers, bicycles and pedestrians the confusion and aggression of other drivers this driver threw up her hands and said no more! I value life and limb of myself and others.

Putting a "motel" up is a recipe for disaster and death. These 24 miles of PCH already exceed the death rate of other roads in similar small towns. The road and residents cannot be expected to deal with an increase in traffic, parking and accidents.

Sent from my iPad

## Letter 3

**Commenter:** Christine Kauffman, Malibu resident

**Date:** March 8, 2021

### Response 3.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project IS-MND. The commenter opposes the Project due to the existing congestion along PCH in the City, particularly during weekend and summer traffic. The commenter asserts the 24 mile stretch of PCH in Malibu exceeds the death rate of other roads in small towns, so the City should not cause an increase in traffic through development of the Project.

The Project would result in a minimal increase in traffic and would be designed to safely accommodate moderate amounts of new traffic onto PCH. As described in Section 4.17, *Transportation- Impact A*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. Additionally, the IS-MND acknowledges the importance of traffic safety to residents and the public along PCH in the City, and addresses the risk of U-turns and pedestrians stops during busy times in Section 4.17, *Transportation*, and addressed within *Impact C*, which addresses hazards and geometric design features. The Project would not increase the number of driveways that could increase vehicle congestion, and Appendix C, *Transportation Studies*, includes further assessment of the Project's safety and finds no exacerbation of safety associated with U-turns or pedestrian use. The Project would comply with the City's Local Coastal Plan standard conditions to minimize impacts to transportation and traffic (e.g., completion of a construction staging plan, transportation permit from Caltrans, etc.). The IS-MND further acknowledges PCH in the City experiences peak periods of visitor traffic on weekends, particularly in the summer months, and coinciding with weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation- Impact B*. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND, will be included within the public record, and made available to decision-makers for planning and policy consideration.

**From:** [Inez McGee](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** Malibu Inn Motel  
**Date:** Monday, March 8, 2021 5:01:36 PM

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Good afternoon,

4.1

I would like to voice my opposition to a new motel at the Malibu Inn site. That is one of the most congested and dangerous sections of PCH and adding a motel would make it more so. On a weekend, or for that matter any sunny beach going day, it is like running the gauntlet thru that stretch of highway. With the pier traffic, pedestrians, Nobu and beachgoers all looking for parking and pulling out into traffic or making illegal u-turns, it is already an insane driving situation. Enough already. Please do not let this project go forward.

Thank you and be well,

Inez McGee  
Pt. Dume resident since 1993

## Letter 4

**Commenter:** Inez McGee, Point Dume resident

**Date:** March 8, 2021

### Response 4.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter opposes the Project due to its location on a dangerous and congested portion of PCH, which the Project would exacerbate. The commenter feels existing parking and traffic conditions make safe driving in the area a challenge.

The project site has adequate line of site along PCH and the limited increase in traffic associated with project development would not cause a substantial increase in congestion or traffic safety hazards. As described in Section 4.17, *Transportation*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. Section 4.17, *Transportation- Existing Setting*, further acknowledges the importance of traffic safety to residents and the public along PCH in the City. As noted by the IS-MND and Appendix C, the City completed a PCH Safety Study including review of collision data from 2012, 2013, and 2014, and PCH Safety Study found that there were 20 collisions along the segment of PCH between Serra Road and Sweetwater Canyon Drive during the study period. The most common types of collisions in this segment of PCH were rear-end collisions associated with excessive vehicle speed and sudden stops for mid-block pedestrian crossings or vehicles making left-or U-turns, as described in Section 4.17, *Transportation-Existing Setting*. Therefore, the surrounding Project area along PCH has underlying collision rates based on pedestrians, unsignalized left turns, and U-turns. To avoid exacerbating this condition,

*“Direct vehicle access from PCH would be implemented through the installation of an unsignalized right-in and right-out driveway at the eastern edge of the project site’s southern boundary. The existing driveways at the adjacent Malibu Inn, including one signalized driveway, would also continue to provide vehicle access to the project site from the west. Pedestrian access would be provided via the sidewalk along PCH and associated walkways entering the site.”*

Therefore, the Project would not increase unsignalized pedestrian crossings, unsignalized left-turns, or U-turns. The Project would also comply with the City’s Local Coastal Plan standard conditions to minimize impacts to transportation and traffic (e.g., completion of a construction staging plan, transportation permit from Caltrans, etc.) to the greatest extent feasible.

The IS-MND also acknowledges PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans’ threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic Section 4.17, *Transportation- Impact B*. Please refer to Section 4.17, *Transportation*,

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for further discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [daniel calderon](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** New motel  
**Date:** Monday, March 8, 2021 1:42:48 PM

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Hello there.

I am writing to voice my concern over the proposed new motel plans opposite Malibu Pier.....

I moved from Silverlake LA, to Malibu for a particular lifestyle, one that had less population density, less commercial real estate and more open space..... If I had wanted to live in a 'beach city' I would have moved to Manhattan Beach, LongBeach, or San Pedro.

5.1 I am very concerned that certain members of Malibu council and other powers-that-be seem to want to turn Malibu into a shopping-by-the-sea-hotel destination.

We already have the massive development, next to the large Wholefoods development being built.... More empty storefronts serving no-one in the community, and depriving humans and wildlife of beautiful nature.....

PCH is a nightmare drive on weekends (ask the majority of residents and you will find most do not leave their houses on these days).

Reckless drivers, including car clubs, descend in vast numbers with little police oversight (no local force of our own) and no local tow truck company!!!(because they were forced out due to commercial real estate development).

The particular stretch by the pier where the new motel wants to build is particularly problematic due to high traffic density (much of which is caused by NOBU and Soho House, that still can't seem to abide by the rules that they agreed to abide by when planning permission was granted).

Parking is already limited at best..... (I know, the motel will have its own parking lot, but the reality will be more cars and less parking for all)!

I can't begin to stress enough that PCH and the surrounding infrastructure cannot take this never ending commercialization.

We, the residents, the people that live here, should have our voices heard.

We don't want another massive shopping center. We don't want a Tesla car showroom. We don't want a motel. If we have to have commercial development, we want businesses that serve our community ie; a local tow truck company.

Otherwise we just would rather have wild open space for all of us humans and non-humans alike to enjoy.

Thank you for your time.

Katarina Vinegrad/Calderon.

"What the caterpillar calls the end, the rest of the world calls a butterfly."

Lao Tsu

"What the caterpillar calls the end, the rest of the world calls a butterfly."

Lao Tsu

## Letter 5

**Commenter:** Katarina Vinegrad Calderon, Malibu resident

**Date:** March 8, 2021

### Response 5.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter voices concern of the Project due to existing conditions on PCH in the City. The commenter is concerned some of the Malibu City Council-members and other powers want to turn Malibu into a shopping by the sea hotel destination. The commenter cites existing problems of weekend roadway congestion, traffic safety challenges, and particular congestion across from the proposed site associated with the pier.

The project site has adequate line of site along PCH and the limited increase in traffic associated with project development would not cause a substantial increase in congestion or traffic safety hazards. As described in Section 4.17, *Transportation*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. Section 4.17, *Transportation- Existing Setting*, acknowledges the importance of traffic safety to residents and the public along PCH in the City. The City completed a PCH Safety Study including review of collision data from 2012, 2013, and 2014, and PCH Safety Study found that there were 20 collisions along the segment of PCH between Serra Road and Sweetwater Canyon Drive during the study period (Appendix C). The most common types of collisions in this segment of PCH were rear-end collisions associated with excessive vehicle speed and sudden stops for mid-block pedestrian crossings or vehicles making left-or U-turns, as described in Section 4.17, *Transportation-Existing Setting*. Therefore, the surrounding Project area along PCH has underlying collision rates based on pedestrians, unsignalized left turns, and U-turns. To avoid exacerbating this condition,

*“Direct vehicle access from PCH would be implemented through the installation of an unsignalized right-in and right-out driveway at the eastern edge of the project site’s southern boundary. The existing driveways at the adjacent Malibu Inn, including one signalized driveway, would also continue to provide vehicle access to the project site from the west. Pedestrian access would be provided via the sidewalk along PCH and associated walkways entering the site.”*

Therefore, the Project would not increase unsignalized pedestrian crossings, unsignalized left-turns, or U-turns. The Project would also comply with the City’s Local Coastal Plan standard conditions to minimize impacts to transportation and traffic (e.g., completion of a construction staging plan, transportation permit from Caltrans, etc.) to the greatest extent feasible.

The IS-MND acknowledges PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well

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below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic. Please refer to Section 4.17, *Transportation*, for further discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [Patricia Salazar](#)  
**To:** [Adrian Fernandez](#); [Lilly Rudolph](#)  
**Subject:** FW: hotels on the pch  
**Date:** Thursday, March 11, 2021 1:08:14 PM

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Public comment. Please have this uploaded to onbase for each project.

**From:** [REDACTED]  
**Date:** March 9, 2021 at 12:52:11 PM PST  
**To:** Karen Farrer <[kfarrer@malibucity.org](mailto:kfarrer@malibucity.org)>, Mikke Pierson <[mperson@malibucity.org](mailto:mperson@malibucity.org)>, Bruce Silverstein <[bsilverstein@malibucity.org](mailto:bsilverstein@malibucity.org)>, Steve Uhring <[suhring@malibucity.org](mailto:suhring@malibucity.org)>, Kathleen Stecko <[kstecko@malibucity.org](mailto:kstecko@malibucity.org)>  
**Cc:** [res02igz@verizon.net](mailto:res02igz@verizon.net), Jeffrey D Jennings <[jdjenningslaw@gmail.com](mailto:jdjenningslaw@gmail.com)>, Patricia Salazar <[psalazar@malibucity.org](mailto:psalazar@malibucity.org)>, Richard Mollica <[rmollica@malibucity.org](mailto:rmollica@malibucity.org)>, Fred Roberts <[fsr90265@aol.com](mailto:fsr90265@aol.com)>  
**Subject:** hotels on the pch  
**Reply-To:** [malibure@aol.com](mailto:malibure@aol.com)

- 6.1 the number one job of the city counsel is safety  
now 2 new hotels are proposed for the pch. people on sell phones not knowing malibu  
looking to turn in and out on the pch. the pch in the carbon beach area has an already  
high number of accidents and now you want to consider approving 2 new hotels
- 6.2 in case of fire. most fires come over the mountains from the valley on santa ana winds  
how are you proposing to evacuate malibu residents down the pacific coast highway.  
the citys failure was quite evident in the last fire on November 2018.
- 6.3 the city has done nothing to mitigate the traffic and several new buildings have already  
been approved in the civic center commercial area adding to congestion on the highway.  
For the sake of safety please do not approve either of the proposed hotels

BEST REGARDS  
[TERRY LUCOFF](#)

## Letter 6

**Commenter:** Terry Lucoff

**Date:** March 9, 2021

### Response 6.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter states PCH has a high number of accidents and opposes the development of the two currently proposed hotels in the City. To note, this Project and IS-MND pertain to solely the Malibu Inn Motel Project.

The project site has adequate line of site along PCH and the limited increase in traffic associated with project development would not cause a substantial increase in congestion or traffic safety hazards. Section 4.17, *Transportation- Existing Setting*, acknowledges the importance of traffic safety to residents and the public along PCH in the City. The City completed a PCH Safety Study including review of collision data from 2012, 2013, and 2014, and PCH Safety Study found that there were 20 collisions along the segment of PCH between Serra Road and Sweetwater Canyon Drive during the study period (Appendix C). The most common types of collisions in this segment of PCH were rear-end collisions associated with excessive vehicle speed and sudden stops for mid-block pedestrian crossings or vehicles making left-or U-turns, as described in Section 4.17, *Transportation-Existing Setting*. Therefore, the surrounding project area along PCH has underlying collision rates based on pedestrians, unsignalized left turns, and U-turns. To avoid exacerbating this condition,

*“Direct vehicle access from PCH would be implemented through the installation of an unsignalized right-in and right-out driveway at the eastern edge of the project site’s southern boundary. The existing driveways at the adjacent Malibu Inn, including one signalized driveway, would also continue to provide vehicle access to the project site from the west. Pedestrian access would be provided via the sidewalk along PCH and associated walkways entering the site.”*

Therefore, the Project would not increase unsignalized pedestrian crossings, unsignalized left-turns, or U-turns. The Project would also comply with the City’s Local Coastal Plan standard conditions to minimize impacts to transportation and traffic (e.g., completion of a construction staging plan, transportation permit from Caltrans, etc.) to the greatest extent feasible.

Please refer to Section 4.17, *Transportation*, for further discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### Response 6.2

The commenter states most wildfires come over the mountains from the valley due to the Santa Ana winds and requests information on how the Project would evacuate Malibu residents down PCH.

The Project would contribute in a minor incremental way to wildfire evacuation related congestion and would be subject to any City adopted emergency evacuations plans. The commenter identifies the Santa

Monica Mountains along the southern edge of the City that is known for the chaparral-urban interface of dry vegetation and urban development, which during dry weather conditions, seasonal Santa Ana winds, and high temperatures contribute to a risk of wildfire, as described in Section 4.20, *Wildfire- Existing Setting*, of the IS-MND. As described in Section 4.20, *Wildfires- Impact A*, the Project would be located in a designated Fire Hazard Severity Area. However, the Project is required to comply with existing County of Los Angeles and City of Malibu Emergency Response Plans. The City of Malibu's 2018 emergency Operations Plan provides an operational approach to response and recovery from potential hazards. The site is directly accessible to a regional transportation resource, PCH, and no new areas of service would be required for emergency personnel. Additionally, the site is designed for throughput access from PCH to the Malibu Inn parking area, which would improve adequate fire department access with the Project's driveway modification on the eastern end. As such, the Project would be in compliance with the City's Emergency Response Plans and would not exacerbate wildfire risk to the public.

Please refer to Section 4.20, *Wildfires*, for further discussion and analysis of wildfire setting and impacts. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response 6.3**

The commenter states the City has not adequately mitigated traffic from new development and is adding congestion to PCH.

As noted within the IS-MND, Caltrans has responsibility for managing traffic flows along PCH and implementing required improvements. The City can only condition individual development projects to provide frontage and other improvements as has been done in this case. As described in Section 4.17, *Transportation*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as further described in Section 4.17, *Transportation*. Please refer to Section 4.17, *Transportation*, for additional discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [carlamccloskey](#) [REDACTED]  
**To:** [Adrian Fernandez](#)  
**Subject:** New Malibu Inn Hotel Project  
**Date:** Sunday, March 14, 2021 4:59:08 PM

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7.1 I and all members of my family are very much against the new Malibu  
Inn Hotel project. As we all know PCH is already gridlocked most of the  
time. We have Norm Hainey's hotel going up very close by and of  
course our favorite, La Paz (don't remember the new name) in the Civic  
7.2 Center. Do we want complete gridlock on PCH? We definitely need a  
traffic study. The height of this is a blight on PCH. Why does it need to  
7.3 be so high. Of course Malibu will get more revenue. Seems to be the  
only thing our city cares about. We've forgotten about the quality of life  
for people that live here. Please deny this project.

Carla McCloskey

## Letter 7

**Commenter:** Carla McCloskey (1), Malibu resident

**Date:** March 14, 2021

### Response 7.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter opposes the Project due to the existing traffic congestion on PCH in the City, which will be exacerbated by additional proposed hotel development (e.g., Norm Hainey's hotel).

The Project would result in a minor incremental increase in traffic and proposed driveway improvement would be designed to ensure safe access and avoid disruption of existing traffic flows. As described in Section 4.17, *Transportation*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation*. Please refer to Section 4.17, *Transportation*, for further discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### Response 7.2

The commenter feels the proposed Project height would be a blight on PCH, and requests additional information on why the structure is so high.

The Project would be similar in size, bulk and scale to other surrounding developments. The Project would be a height of two stories or nearly 24 feet above finished or existing grade for flat roofs and 28 feet above finished or existing grade for sloped roofs, with the elevator shaft protruding the highest. The remaining 36 percent of the site would remain undeveloped open space. The Project's design has limited height to not exceed nearby building height, and earth tone color walls to match the surrounding environment. While the Project would be of greater height than the existing site's surface parking lot and requires approval of Site Plan Review (SPR) No. 18-025 for a building height over 18 feet, the site height is aesthetically consistent with surrounding development's height. Therefore, aesthetic impacts associated with the Project's height would be less than significant. Please refer to section 4.1, *Aesthetics* for further discussion and analysis of building height and design features.

### Response 7.3

The commenter states the Project is revenue driven, feels this is the City's top priority, and expresses the City has forgotten about quality of life for residents.

City of Malibu

**Malibu Inn Motel Project**

Responses to Comments on the Draft Initial Study Mitigated Negative Declaration

The Project is providing visitor serving uses consistent with underlying Visitor Serving 1 zone and the State Coastal Act priorities. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [Lester Tobias](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** Malibu Inn Motel Negative Declaration: opposition comments  
**Date:** Sunday, March 14, 2021 3:34:10 PM

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I am writing in opposition to the proposed hotel on the site adjacent to the Malibu Inn.

8.1

My first point of opposition is that there is no relief in our LIP for a retaining wall that is fifty feet tall (the dimensioning of their figure 3 is incorrect), with thirteen feet exposed, and a secondary retaining wall behind it.

The spirit of our retaining wall limitations is rooted in "landform alteration" as well as visual appearance. When our code goes to great length to talk about working with existing topography, and limiting grading to a mere one thousand cubic yards, this is done to minimize the impacts of construction on the "natural" topography (or at least the topography that exists when a project is proposed).

The findings for the variance for the grading and the retaining wall simply can not be met.

8.2

My second point of opposition is that the existing JUPA and parking space analysis is significantly under counted, and since a JUPA is not a right, but a granted privilege, I think the city would be making a mistake in approving any transfer of rights or a new JUPA without significant increases to the required parking numbers.

8.3

I am a proponent of a comprehensive study and possible new zoning designation for the landward side of the Pacific Coast Highway between, say Carbon Mesa and the Civic Center to something along the lines of a "Hospitality Zone" with the types of setbacks, landform alterations, and other amenities like shuttle services and pedestrian bridges to allow for safe, reasonable commercial development of small hotels and restaurants while safely moving through-traffic along that corridor.

Until we have this new zoning, I oppose all of these slap-dash, multi-variance submittals that do nothing for Malibu, and everything for the property developer.

Thanks.

LT

--

Lester Tobias, Principal  
Tobias Architecture, Incorporated  
29160 Heathercliff, Suite 400  
Malibu, California 90265  
(310) 317-0507

## Letter 8

**Commenter:** Lester Tobias, Tobias Architecture, Inc.

**Date:** March 14, 2021

### Response 8.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter opposes the Project partially because the City's Local Coastal Program Local Implementation Plan has no relief for a retaining wall that is fifty feet tall (states the Figure 3 dimensions are incorrect) with thirteen feet exposed. The commenter asserts the findings for variance for the Project's grading and the retaining wall cannot be met effectively.

The comment notes that the proposed retaining wall could impact the visual character of the area, although the wall would not be visible to passersby on PCH. The comment incorrectly states Figure 3 is inaccurate in regards to Figure 3's retaining wall height. As described in Section 1.3, *Project Description*, of the IS-MND, the back support wall would be a height of 46 feet above finished grade and approximately 52.5 feet above the finished floor elevation of the subterranean parking level. Therefore, Figure 3 is accurate in its depiction of the retaining wall. Further, a variance would be required for the proposed installation of a retaining wall taller than 6 feet and on a slope steeper than 2.5 (horizontal) to 1 (vertical) slopes.

Section 4.7, *Geology and Soils-Impact A*, provides discussion and analysis of required building compliances and recommendations of Appendix B to ensure the Project's retaining wall sufficiently meets building development standards for public safety including during earthquakes and landslides. The following excerpt from Impact A for earthquake related impacts provides an example of how the Project will ensure geotechnical safety.

*"The residential structure located north of and above the slopes on and adjacent to the project site has been identified on top of a potentially unstable slope, and excavation of the toe to this slope for the new hotel, subterranean parking and retaining wall have the potential to cause slope failure if exacerbated by rainfall. However, the Project would be designed to not impact the structure above, as it has undergone extensive geotechnical review to ensure stability, incorporates stabilizing and wing retaining walls for heightened slope stability, and would be required to follow design provisions through the International Building Code (IBC) and California Building Code (CBC) (as adopted by the City of Malibu and codified in MMC Section 15.04.010) to employ design standards that consider seismically active areas to safeguard against major structural failures or loss of life. With adherence to applicable building codes and the recommendations of the Project-specific geotechnical report, direct and indirect impacts associated with the exposure of people or structures to potential substantial adverse effects, including the risk of loss of life, injury, or death involving rupture of a known earthquake fault would be less than significant."*

Nevertheless, comments regarding opposition to the Project will be included within the public record and made available to decision-makers for planning and policy consideration.

## **Response 8.2**

The commenter's additional point of opposition is the existing JUPA and parking space analysis is that parking demand is significantly undercounted. The commenter adds a JUPA is a granted privilege and not a right, so asserts that the City is making a mistake in approving any transfer of rights of a new JUPA without significant require parking increases.

The IS-MND fully assesses potential parking impacts and there is no evidentiary basis to assert otherwise. The Project would continue to be subject to the existing JUPA with Malibu Inn under which the project site is required to provide sufficient parking to support land uses on both properties. A JUPA was previously approved by the City for the Malibu Inn to use 31 parking spaces on the adjacent surface parking lot. The JUPA will continue to be honored except the total number of offsite parking spaces will be reduced to 24, given a change in restaurant service area to retail, which has a lower parking demand. The Project would provide 47 parking spaces, as detailed in Table 2, Proposed Parking Program. Per MMC requirements and the JUPA, one parking space is required for every 50 sf of restaurant service area for the restaurant that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 spaces that are required on the project site for the adjacent Malibu Inn property. Additionally, per MMC Section 17.48.030 – Specific Parking Requirements – 23 spaces are required of the project site property. Please refer to Section 1.3 *Project Description*, for full description of the JUPA. Comments pertaining to the City's rights to approve a JUPA are noted as well as the comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to the decision-makers for planning and policy consideration.

## **Response 8.3**

The commenter is a proponent of a comprehensive study and possible new zoning designation for the landwards side of PCH as a "Hospitality Zone." However, until this new zoning would be in place the commenter opposes variance submittals for the City.

The Project is consistent with existing zoning and the long-term concept of a new hospitality zone. Comments pertaining to a recommended new zoning designation named "Hospitality Zone" are noted, and the IS-MND otherwise considers land use impacts, of which the IS-MND's Section 4.11, *Land Use and Planning*, did not identify a potentially significant impact. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [Jamie Otilie](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** malibu beach inn hearing  
**Date:** Monday, March 15, 2021 11:19:22 AM

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9.1 | I understand that the proposal for the Malibu Beach Inn is coming before the planning commission. I have the following questions and comments:

- Has a traffic study for the area been completed that takes into account all of the driveways, left turns, pedestrians jay walking to the beach, people making illegal u turns etc in the area?

9.2 | • How can additional development be considered for this area when Nobu and Little Beach House continue to create traffic nightmares every warm weekend? There needs to be resolution.

9.3 | • In looking at the design – I do not understand how the property will be built without substantial variances for height – size of the retaining walls – and parking for both employees and guests. I am not in favor of malibu granting ANY variances in this area that increases development density.

9.4 | • What will happen to the Malibu Inn building if they lose the overflow parking lot? It appears that neither of these properties will have enough parking once complete.

9.5 | • Since most of our traffic comes from Santa Monica – what are the plans for people making left turns out of the hotel? Just making them illegal will not work – as we see from McDonalds, the former KFC location, V's etc.

9.6 | • How will traffic enter the hotel? There is no room for a right hand turn lane without taking away public parking – is the hotel going to offer up FREE public parking to replace these spots?

9.7 | I do not see how this project can be made traffic neutral nor how they will be able to pass an environmental impact study given the amount of grading required. I would urge the planning commission to view this project as skeptically as those of us who have lived in Malibu and watched our traffic and quality of life slowly get degraded. Without a longterm solution to congestion and traffic on this section of PCH – I believe that ALL development should be halted in the area until solutions can be found.

Sincerely,  
Jamie Otilie

## Letter 9

**Commenter:** Jamie Otilie (1), Malibu resident

**Date:** March 15, 2021

### Response 9.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter asks if a traffic study has been completed for the area that takes into account all driveways, left turns, pedestrians jay walking to the beach, and people making illegal U-turns in the area.

The draft IS-MND fully accounts for and addresses existing and potential future access. As described in Section 4.17, *Transportation*, and Appendix C, *Transportation Studies*, K2 Traffic Engineering, Inc. provided a comprehensive transportation study for the Project. Additionally, the City commissioned a PCH Safety Study based on a review of collision data from 2012, 2013, and 2014 for the City's section of PCH. The transportation study and analysis takes into account all project driveways as well as adjacent driveways, unsignalized and signalized pedestrian walkways, left hand turns, and U-turns. The Project's transportation studies and analysis do not take into account illegal pedestrian or car actions as illegal actions are not included under CEQA. Please also refer to Section 4.17, *Transportation*, and/or Appendix C for further transportation impact discussion and analysis.

### Response 9.2

The commenter asks how additional development can be considered in their area due to the current traffic congestion from Nobu and Little Beach House.

The IS-MND fully accounts for and addresses existing and potential future access. As described in Section 4.17, *Transportation-Impact A*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The IS-MND acknowledges PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation*. Please refer to Section 4.17, *Transportation*, for further discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response 9.3**

The commenter requests clarification on how the property will be built without substantial variances for height, size of retaining walls, and parking. The commenter does not support any variances that increase development density.

Although the Project will require approval of variances, its location at the base of a slope would minimize visual changes and the proposed project would be largely visually consistent with nearby uses. As described in Section 1.4, *Project Approvals* of the IS-MND, the Project would require approval of Variances from the City for project development including but not limited to retaining wall height (No. 18-031) and for surface parking in front yard setback (No. 20-035). With approval of SPR No. 18-025 for building height, the building would be found in compliance with City code. Please refer to Section 1.4, *Project Approvals* for further discussion of variances.

### **Response 9.4**

The commenter asks what will happen to Malibu Inn if they lose their overflow parking lot. The commenter expresses concern that Malibu Inn or the Project will not have sufficient parking.

The Project would include adequate parking to ensure that typical operation of both Malibu Inn and the Project would not result in parking spillover into adjacent neighborhoods. The Project would include a total of 24 parking spaces for Malibu Inn under a JUPA. Malibu Inn's parking is currently addressed at the site through a JUPA, as described in the IS-MND. Further, the Project complies with MMC requirements for parking as described in Section 1.3, *Project Description* of the IS-MND. The Project would provide 47 parking spaces, as detailed in Table 2, Proposed Parking Program. Per MMC requirements and the JUPA, one parking space is required for every 50 sf of restaurant service area for the restaurant that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 offsite spaces that are required from the adjacent Malibu Inn. Additionally, per MMC Section 17.48.030 – Specific Parking Requirements – 23 spaces are required of the Project. In addition, as described in Section 4.17, *Transportation- Impact A*, of the IS-MND, the Project would increase the amount of onsite parking by 7 spaces from existing capacity and similar to existing conditions. Additionally, stacked parking within the subterranean garage may be installed by the property owner, which would provide overflow parking spaces, as necessary for the property. In summary, Malibu Inn will not lose parking space allocation at the project site.

### **Response 9.5**

The commenter asks what the plans are for property guests making left turns out of the hotel. The commenter feels making them illegal will be ineffective.

The Project would include adequate access via two driveways with good line of sight along PCH. As described in Section 1.3, *Project Description*,

*“Direct vehicle access from PCH would be implemented through the installation of an unsignalized right-in and right-out driveway at the eastern edge of the project site's southern boundary. The existing driveways at the adjacent Malibu Inn, including one signalized driveway, would also*

*continue to provide vehicle access to the project site from the west. Pedestrian access would be provided via the sidewalk along PCH and associated walkways entering the site.”*

The commenters opinion making left-hand exits illegal will be ineffective will be included within the public record and made available to decision-makers for planning and policy consideration.

## **Response 9.6**

The commenter asks how traffic will enter the hotel as there is no room for a right-hand turn lane without taking public parking. The commenter requests the Project provide free public parking to replace any spots that are taken away by a right-hand turn lane.

The Project will provide safe access via two driveways which would accommodate hotel guests. As described above, project site access will be available from an unsignalized right- in and right-out driveway at the eastern edge of the Project’s southern boundary. No signaled right-hand turn lane is proposed under the Project and no net loss in street parking along PCH would be lost. The Project would not be required to provide free public parking as none will be removed.

## **Response 9.7**

The commenter does not feel the Project can be made traffic neutral nor how an EIR was not required for grading. The commenter urges the Planning Commission to oppose this project.

The IS-MND provides detailed analysis of potential project impacts and no impacts were identified that could require preparation of an EIR. As described above, the IS-MND acknowledges PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans’ threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation- Impact B*. Further, the Project would apply for a variance approval for grading in excess of 1,000 cy per lot area acreage, and with approval of the variance, Caltrans approval of the road encroachment permit, and adherence to mitigation measures included within the IS-MND, impacts would be considered less than significant, not warranting the issuance of an EIR analysis under CEQA. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [Jamie Otilie](#)  
**To:** [Justine Kendall](#); [Adrian Fernandez](#)  
**Subject:** RE: malibu beach inn hearing  
**Date:** Monday, March 15, 2021 3:57:01 PM

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Malibu Inn Motel – 22959 Pacific Coast Highway

10.1 | I would add that I am adamantly against offsite parking for the Malibu Beach Inn – this is against the building code and should not be allowed.

Jamie

## **Letter 10**

**Commenter:** Jamie Otilie (2), Malibu resident

**Date:** March 15, 2021

### **Response 10.1**

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter asserts the project site contains parking that supports the Malibu Beach Inn. However, historically, there has been no JUPA for the project site with the Malibu Beach Inn. Please refer to Section 3.17, *Transportation*, to see an overview of the Project's proposed JUPA with the Malibu Inn (retail and restaurant building). Nevertheless, comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [Lisa](#) [REDACTED]  
**To:** [Adrian Fernandez](#)  
**Subject:** Malibu Inn Hotel  
**Date:** Monday, March 15, 2021 2:56:07 PM

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11.1 Dear Planning Dept,  
Please do not consider building a hotel at the most congested area of PCH in Malibu. It is unbearable trying to commute regularly in and out of Malibu and I think building this hotel right at the bottleneck will hugely exacerbate the existing problem.  
Kind regards,

Lisa McKean (Owner)

[REDACTED]

## **Letter 11**

**Commenter:** Lisa McKean, Malibu Fountains

**Date:** March 15, 2021

### **Response 11.1**

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter opposes the Project due to the existing congestion on the City's stretch of PCH and existing traffic impacts to commuters.

The Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system, as described in Section 4.17, *Transportation* of the IS-MND. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The IS-MND acknowledges PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation-Impact B*. Please refer to Section 4.17, *Transportation*, for further discussion of transportation related discussion and analysis. Comments regarding opposition to the Project will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [Suzanne Titus](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** New Plan for the Malibu Beach Inn  
**Date:** Monday, March 15, 2021 1:06:07 PM

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Hello,

12.1 I understand there is a planning meeting upcoming and I would like to submit my questions and request for a noise survey for this potential plan.

12.2 This will definitely draw a crowd and so to also see a survey for occupancy, daily attendance and parking availability provided for the property only is important and that there are reasonable rates extended, as it will impact other retailers in the area.

I will watch to see the acknowledgment and plans to provide a response.

Thank you,

Suzanne

## Letter 12

**Commenter:** Suzanne Titus

**Date:** March 15, 2021

### Response 12.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter expresses a concern with potential noise impacts from the Project through a request for a noise survey for the Project.

The IS-MND includes a detailed noise analysis that revealed no potential for significant impacts. Please refer to Section 3.13, *Noise*, which identifies potential for noise during construction and operation of the Project and provides two mitigation measures to reduce noise related effects. NOI-1 which reduces construction noise through construction machinery and truck noise reduction accessories, staging area location, temporary sound barriers, and public noticing. Additionally, the Project would be required to designate a noise control coordinator. NOI-2 prohibits amplified sound from the Project. If amplified sound is later proposed outdoors, the Applicant must prepare a noise study and must submit an amendment to the proposed conditional use permit.

### Response 12.2

The commenter expresses concern of parking availability upon implementation of the Project.

The Project would provide adequate parking. The Project would include a total of 24 parking spaces for Malibu Inn under a JUPA to continue to support the required parking spaces for the Malibu Inn, as described in the IS-MND. Further, the Project complies with MMC requirements for parking as described in Section 1.3, *Project Description of the IS-MND*. The Project would provide 47 parking spaces, as detailed in Table 2, Proposed Parking Program. Per MMC requirements and the JUPA, one parking space is required for every 50 sf of restaurant service area for the restaurant that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 spaces that are required from the adjacent Malibu Inn property. Additionally, per MMC Section 17.48.030 – Specific Parking Requirements – 23 spaces are required of the project site for the proposed motel use. In addition, as described in Section 4.17, *Transportation- Impact A*, of the IS-MND, the Project would increase the amount of onsite parking by 7 spaces from existing capacity. Additionally, stacked parking within the subterranean garage may be provided for overflow parking spaces, as necessary for the property.

**From:** [carlamccloskey@aol.com](mailto:carlamccloskey@aol.com)  
**To:** [Adrian Fernandez](#)  
**Subject:** Malibu Inn Hotel  
**Date:** Wednesday, March 17, 2021 10:09:57 AM  
**Attachments:** [Screen Shot 2021-03-16 at 8.51.20 PM.png](#)

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13.1

This is a follow up to my original email as I have read other disturbing details. How can they predict that there will only be 14/16 additional trips daily? This is absurd. Events always generate more traffic than what they are predicting. I'm also concerned when they say they will only have 3 employees--that doesn't make sense. And the noise that will be generated from a roof top event center? There are many questions that need to be answered and this report seems about as factual as the one a few years ago that said malibu traffic hadn't increased in 25 years. We need an accurate factual study that doesn't presume malibu residents aren't aware of what the actual truth is.

Thank you. Carla McCloskey

13.1  
cont.

in deliveries and HVAC system usage. Operation of the Project would result in a net increase of 14 AM peak-hour trips and 16 PM peak-hour trips, representing less than a one percent increase in traffic along PCH at the Project driveways (refer to Section 4.17, *Transportation*). When compared to the volume of traffic on PCH, Project trip would not cause a measurable increase in traffic volume. Here they claim that they anticipate large events every weekend - more in the summer and YET - predict only 14 more cars during the day and 16 at night. Large events, even medium events such as the one most likely to be held there, weddings, will bring hundreds of cars per each event.

13.3  
cont.

The proposed Project also includes a rooftop bar and pool area, with potential for noise generation, particularly during evening hours. During summer months, events held on the rooftop would be anticipated to occur more frequently, potentially with events or larger gatherings occurring almost every weekend. During winter months, it is anticipated that outdoor events would be less frequent. Any increased permanent noise during the operation of the Project would be controlled by the noise regulations contained in the MMC (Chapter 8.24). Ambient noise associated from the site would continue to be subordinate to noise levels in the existing environment, where ambient noise is dominated by traffic along PCH and nearby commercial areas, and the existing 40-space parking lot that generates ongoing user noise. The project site

## **Letter 13**

**Commenter:** Carla McCloskey (2), Malibu resident

**Date:** March 15, 2021

### **Response 13.1**

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter expresses concern over the general Project transportation and traffic details. The commenter states events generate more traffic than what the IS-MND predicts (14 to 16 additional trips daily). However, the IS-MND fully describes potential project traffic impacts, including special events.

The Project and IS-MND's transportation and traffic analysis, as described in Section 4.17, *Transportation-Existing Setting*, on a Traffic Study prepared for the project site (Appendix C). The Traffic Study assesses and describes estimated trip generation, potential congestion impacts, and site access. The following excerpt from Section 4.17, *Transportation-Impact A* identifies transportation impacts to be less than significant as the Project trip generation would be below TIA Guideline thresholds and OPR guidelines.

*"According to the Traffic Study and detailed in Table 13, Project Trip Generation, the Project is estimated to generate 14 trips occurring during the AM peak period (6 inbound, 8 outbound) and 16 trips occurring during the PM peak period (6 inbound, 10 outbound) (see Appendix C). These net Project trips are below the City TIA Guidelines thresholds (30 or more peak-hour trips), which require a preparation of a formal transportation impact analysis. Additionally, per the OPR December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact. Per Institute of Transportation Engineers (ITE) Trip Generation 10<sup>th</sup> Edition trip generation rates, the total daily project trips are estimated as 68. As such, impacts to transportation would be less than significant."*

Please refer to Appendix C for further details and discussion of the traffic and transportation analysis for the IS-MND. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response 13.2**

The commenter expresses concern that the IS-MND only accounts for three employees under the Project.

While it is acknowledged that employment may vary, with consideration for the size of the motel, the number of projected employees would be insignificant in terms of traffic or parking demand. Given the nature of the Project as a boutique hotel with 20-rooms, per-shift operational employees is estimated as three as estimated by the Project's site plans and technical analysis. Please also refer to Section 4.14, *Population and Housing*, for further discussion and analysis of temporary and long-term employment for the proposed Project. If additional employees are at the property, the owner would be in violation of their permit. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response 13.3**

The commenter expresses concern over noise levels from the outdoor rooftop.

Noise levels are assessed by the IS-MND and the Project would not allow for amplified music that may affect nearby properties. Please see Comment Response 12.1 for additional information on this topic.

### **Response 13.4**

The commenter expresses concern that the IS-MND is not factual in its account of City traffic.

The IS-MND fully describes both existing and project future traffic levels. As described above, the Project's transportation and traffic analysis is provided in Appendix C, which were prepared by an accredited traffic engineering firm with local knowledge (K2 Traffic Engineering, Inc.). The traffic analysis includes PCH Traffic Study from 2012 to 2014, and the most recent traffic approvals conducted in 2019 and 2020 during IS-MND preparation with consideration of pre-Covid traffic. Therefore, the Project utilizes Project-specific traffic analysis as well as existing studies of PCH in the City. Please refer to Appendix C for further discussion and analysis of methodology and approach of transportation analysis in the IS-MND. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** jfloatz [REDACTED]  
**To:** Adrian Fernandez  
**Subject:** COMMENT MND - Malibu Inn Hotel  
**Date:** Wednesday, March 17, 2021 1:24:56 PM  
**Attachments:** Screen Shot 2021-03-17 at 11.33.23 AM.png

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Please add this to Malibu Inn Hotel EIR Comments.

#### COMMENT ON MALIBU INN HOTEL.

14.1

Unfortunately, once again, our city has been presented with a staff report dismissing and understating the impacts of new development on Malibu. This project needs an EIR to study noise, traffic, and the impact of a combination of two venues next to each other. A nightclub next to a potential new hotel.

The Malibu Inn Hotel project is proposed at one of the busiest and most dangerous sections of PCH in Malibu. Across from the heavily populated pier, filled Surfrider Beach, the only fast-food spots in Malibu, close proximity to crowded Nobu, Soho House, Malibu Beach Inn, and busy public parking lots. The staff report states that this hotel will hold large events every weekend at the new rooftop bar. These will undoubtedly include weddings, parties, conventions which will bring in hundreds of new cars and yet - staff states only 14 AM and 16 PM new additional daily car trips. This claim flies in the face of the most basic logic and accuracy.

The proposed Project also includes a rooftop bar and pool area, with potential for noise generation, particularly during evening hours. During summer months, events held on the rooftop would be anticipated to occur more frequently, potentially with events or larger gatherings occurring almost every weekend. During winter months, it is anticipated that outdoor events would be less frequent. Any increased permanent noise during the operation of the Project would be controlled by the noise regulations contained in the MMC (Chapter 8.24). Ambient noise associated from the site would continue to be subordinate to noise levels in the existing environment, where ambient noise is dominated by traffic along PCH and nearby commercial areas, and the existing 40-space parking lot that generates ongoing user noise. The project site

14.2

Heavy haul trucks will need to run at least 600 - 875 loads to evacuate mounds of dirt on an already overrun PCH.

Approximately 394 cy of the excavated soil would be used as fill material onsite, while the remaining material (approximately 12,255 cy) would be exported from the project site via roughly 600 to 875 heavy haul trucks, depending on the size of trucks utilized (see Section J, below). The total area of ground disturbance would be 0.77 acre, or approximately 33,541 sf. As detailed in

14.3

While scaled-down hotels can have advantages, this project at this intersection could not possibly be proposed at a more disruptive location. There is no possible way that this new hotel, in this area, will not greatly impact and cause more disturbance on PCH for visitors and residents. And yet this staff claims this project "**would not result in any cumulative impacts**". This is a clear example of truth being understated and buried to serve developers, rather than data that protects the city and visitors on PCH.

14.4

Please unbury the truth and conduct a proper EIR. Protect this fragile city and Malibu's already overloaded infrastructure. Malibu must demand that a full and accurate traffic study is conducted that includes ingress and egress **of all uses** within a mile of this location including traffic from the pier, Nobu, Malibu Beach Inn, public parking lot, Surfrider Beach, Jack In The Box, Serra entrance, etc.

Thank you for listening, please do the job of planning correctly.

Thank you,  
Jae Flora-Katz

## **Letter 14**

**Commenter:** Jae FloraKatz

**Date:** March 17, 2021

### **Response 14.1**

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter asserts that the project would result in a nightclub next to a new hotel, large events every weekend, and hundreds of new cars. The commenter quotes an excerpt from the IS-MND of potential impacts before further analysis and mitigation is introduced.

The proposed Project would not include a nightclub and would be subject to strict City regulation and enforcement. The IS-MND confirms the commenter's statement that larger gatherings may occur during summer month weekends, noting that it is a hotel. However, the use of the term "event" in the IS-MND does not align with the commenter's perception of what may occur – or would be allowed – at the property, nor what is proposed in the project description. The IS-MND and Project does not allow for, anticipate, nor require analysis of the potential for large events, hundreds of cars, or nightclubs. In the case that the property would have an "event" that exceeds the property capacity, a City permit is required. Additionally, the IS-MND notes that the project site is buffered from surrounding residential areas by open space and the incorporation of landscaping. Finally, amplified sound is not proposed and the Project will be conditioned as such. It is also noted that the adjacent noise of PCH would exceed the noise of typical use that may occur on the rooftop. Finally, the commenter's recommendations will be forwarded to the decision-makers for consideration.

### **Response 14.2**

The commenter expresses a concern with potential impacts from the Project from haul trucks that may be required during dirt excavation.

The IS-MND includes a thorough discussion of the impacts of haul trucks. As described in Section 1.4, *Project Approvals*, the project is required to obtain permit approval for hauling on Caltrans right-of-way, such as along PCH, which may include additional construction-related requirements to obtain approval as mentioned above. Further, as described in Section 4.17, Transportation, of the IS-MND, the City applies Local Coastal Plan standard conditions to all applicable projects to minimize impacts to transportation and traffic including but not limited to: "for the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from Caltrans." Regarding further traffic considerations, please also refer to Appendix C for a detailed analysis of construction impacts. In the case of noise concerns, please also refer to Section 3.13, *Noise*, which identifies potential for noise during construction and operation of the Project and provides two mitigation measures to reduce noise related effects. NOI-1 which reduces construction noise through construction machinery and truck noise reduction accessories, staging area location, temporary sound barriers, and public noticing. Additionally, the Project would be required to designate a noise control coordinator. If an amplified sound is proposed outdoors, the Applicant must prepare a noise study and must submit an amendment to the proposed

conditional use permit. Ultimately, potential traffic and noise concerns will be included in decision maker considerations in project approval deliberations.

### **Response 14.3**

The commenter asserts the project will result in cumulatively considerable impacts, and suggests the Project would result in traffic impacts at the intersection for visitors and residents.

The Project would not result in cumulative considerable impacts, including those associated with increased traffic. As described in Section 4.17, *Transportation-Impact A*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation*. Please refer to Section 4.17, *Transportation*, for further discussion of transportation related discussion and analysis. Additionally, the IS-MND acknowledges the importance of traffic safety to residents and the public along PCH in the City, and addresses the risk of U-turns and pedestrians stops during busy times in Section 4.17, *Transportation*, and addressed within *Impact C*, which addresses hazards and geometric design features. To avoid exacerbating this condition,

*“Direct vehicle access from PCH would be implemented through the installation of an unsignalized right-in and right-out driveway at the eastern edge of the project site’s southern boundary. The existing driveways at the adjacent Malibu Inn, including one signalized driveway, would also continue to provide vehicle access to the project site from the west. Pedestrian access would be provided via the sidewalk along PCH and associated walkways entering the site.”*

Therefore, the Project would not increase unsignalized pedestrian crossings, unsignalized left-turns, or U-turns. The Project would not increase the number of driveways that could increase vehicle congestion, and Appendix C, *Transportation Studies*, includes further assessment of the Project’s safety and finds no exacerbation of safety associated with U-turns or pedestrian use. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [John Stockwell](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** 22959 PCH HOTEL PROJECT  
**Date:** Wednesday, March 17, 2021 8:05:51 PM

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Hi Adrian, it's John Stockwell the owner of Malibu Farm on the Malibu pier as well as a Pt Dume resident.

15.1 I wanted to just quickly weigh in on the potential hotel project across the street from the pier. As everyone in Malibu knows parking is already a huge issue in that area and I don't understand how the parking for the current Aviator Nation expansion to food and entertainment will be handled if they no longer have the joint use agreement for the lot next to them.

15.2 So many of us have always felt that this location would be perfect for a well designed and well landscape parking garage to accommodate all the visitor serving parking that this area is overwhelmed with and give PCH back to the residents for their parking. The current parking lot next to aviator nation where this potential motel would go is full by 10 AM in the summer with people paying \$45 a car so where will all those people go if there is no parking option there anymore?

15.3 There are obviously a host of additional issues such as the amount of excavation and retaining walls necessary as well as the impact of the construction on PCH but my bigger issue is this is an incredible opportunity to create parking in the center of the commercial district of Malibu.

## Letter 15

**Commenter:** John Stockwell, Malibu Farm Owner

**Date:** March 8, 2021

### Response 15.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter expresses concern on how parking for Aviator Nation's expansion to food and entertainment will be handled if they do not have a JUPA with the Project's property.

Parking under the site's JUPA is addressed and explained within the IS-MND. As described in Section 1.1, *Project Site and Existing Uses*, the Aviator Nation of the Malibu Inn building is subject to a JUPA with the project site. Aviator Nation resides in the adjacent Malibu Inn property, and following an update of land use and site approval associated with onsite land uses and the Project, as described in Section 4.17, *Transportation*, the Project would continue to be subject to a JUPA with Malibu Inn that would require the project site to provide 24 spaces to the Malibu Inn property. As the Project would provide 24 spaces to the Malibu Inn under the JUPA for the Project, as described in Section 1.3, *Project Description*, the Project would be compliant with MMC requirements and the JUPA. Therefore, the Aviator Nation property will be accommodated under the Project's new JUPA and accounts for operational changes planned at the Malibu Inn.

*"Per MMC requirements and the JUPA, one parking space is required for every 50 sf of restaurant floor area for the restaurant that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 spaces that are required from the adjacent Malibu Inn property."*

### Response 15.2

The commenter suggests this property should be a well landscaped parking garage to accommodate visitor-serving parking, particularly in summer.

As described in Section 1.3, *Project Description*, of the IS-MND, the Project would continue to provide onsite parking for property and adjacent property visitors year-round, as under existing conditions. The Project would provide 47 parking spaces through surface and subterranean parking spaces including 35 regular parking spaces, 3 ADA parking spaces, and 9 compact spaces. Stacked parking spaces may be included in the overall design, which would be additive to the minimum of 47 parking spaces required for the site. Please refer to Section 4.17, *Transportation*, for further discussion and analysis of parking in the IS-MND. Comments regarding suggestion of the property for parking that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response 15.3**

The commenter states he feels there are other general concerns with the project associated with excavation, retaining walls, and construction impacts on PCH but reiterates this site should be used for parking.

A high priority for land use under the State Coastal Act is visitor-serving uses, which the Project would provide. Site alteration and grading are fully addressed in the IS-MND. Please refer to Section 4.7, *Geology and Soils*, for discussion and analysis of the proposed excavation quantity, retaining wall construction and materials, and overall construction effects. Comments regarding suggestion of the property for parking that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [REDACTED]  
**To:** [Adrian.Fernandez](mailto:Adrian.Fernandez)  
**Subject:** Fwd: Malibu Inn Motel - An Ambitious Proposal  
**Date:** Wednesday, March 17, 2021 11:21:06 AM

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Begin forwarded message:

**From:** [REDACTED]  
**Date:** March 17, 2021 at 4:52:04 AM PDT  
**To:** [suhring@malibucity.org](mailto:suhring@malibucity.org)  
**Subject:** Fwd: Malibu Inn Motel - An Ambitious Proposal

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Begin forwarded message:

**From:** [REDACTED]  
**Date:** March 17, 2021 at 3:59:14 AM PDT  
**To:** Mikke Pierson <[mperson@malibucity.org](mailto:mperson@malibucity.org)>, [BSilverstein@malibucity.org](mailto:BSilverstein@malibucity.org), [kfarrer@malibucity.org](mailto:kfarrer@malibucity.org), [pgrisanti@malibucity.com](mailto:pgrisanti@malibucity.com), [suhring@malibucity.com](mailto:suhring@malibucity.com)  
**Cc:** [planning@malibucity.org](mailto:planning@malibucity.org)  
**Subject:** Malibu Inn Motel - An Ambitious Proposal

Dear Malibu City Council:

- 16.1 It is inadvisable for the City of Malibu to approve the project known as the 'Malibu Inn Motel' as proposed by Burdge & Associates Architects and Surfriider Plaza LLC.
- 16.2 Furthermore, the excavation and removal of 12,255 cubic yards of soil, the sinking of caissons, the 'carving out' of a substantial portion of the hillside necessitating the construction of a massive retaining wall, needs extensive due diligence for the feasibility and safety of family homes located above said excavation and build-out.
- 16.3 This project should be evaluated by legal counsel for extensive liability issues; reference the building of a mega mansion in Beverly Hills on a hillside and the potential jeopardy to surrounding residences.
- 16.4 Additionally, just think - an estimated 600 to 875 heavy haul truck trips to remove approximately 12,225 cubic yards of soil. This vehicle count does not include regular construction - just the excavation...
- 16.5 "Hot time in the summertime" seriously? "Minimally affect roadways" - please who drew this conclusion? This project is located in the most heavily congested stretch of Pacific Coast Highway. It is already populated with hospitality service businesses with totally inadequate parking. The City of Malibu has approved these projects, knowing full-well they were not in compliance. The end result - pandemonium; no parking, traffic accidents, congestion lasting hours and residents being trapped at home.
- 16.5 The residents of Malibu suffered the unimaginable trauma of the Woolsey fires. Many still harbor resentment about the perceived failures of our city government. Many know

16.5  
Cont.

precisely the roar of heavy haul trucks removing debris from burned-out family homes. Now imagine 600 to 875 heavy haul trucks, filled with dirt and debris, 6 days a week, on the main thoroughfare, in and out of Malibu...to excavate for the Malibu Inn Motel.

16.6

A year of isolation, the result of a global pandemic and 'you all' decided to give final approval and allow construction to begin on a mega project known as Cross Creek Ranch. Smart developer, with impeccable timing, to push this 2008 project through in January 2021 when Malibuites were quarantined.

Please consider the following notations when considering the Malibu Inn Motel:

1 cubic yard of topsoil weighs 2,200lbs.  
1 cubic yard of loose dirt weighs 2,800lbs.  
Minimally affect roadways - nonsense.  
12,225 cubic yards of excavated soil.  
600 to 875 HEAVY HAUL TRUCK TRIPS.  
Construction to begin SUMMER 2021

16.7

**b. Less than Significant with Mitigation.** It is not anticipated that the Project when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, would have a significant effect on the environment. While the Project and cumulative development are anticipated to minimally affect roadways in the project vicinity, the Project would have less than significant impacts to area traffic both on a Project and cumulative level. Also, as previously discussed in the Section 4.13, *Noise*, cumulative impacts were analyzed and with implementation of mitigation measures the Project is not expected to result in significant adverse impacts either individually or cumulatively. Although excavation of the subterranean garage could potentially uncover previously undisturbed cultural and/or paleontological resources, and standard conditions would ensure the proper steps are taken to avoid impacts. Therefore, the Project in combination with recommended mitigation measures would not result in any cumulative impacts.

architectural integrity.

Site preparation, grading and excavation of the lower half of the existing slope would require use of excavators, backhoes, bulldozers and heavy haul trucks. Export of approximately 12,255 cubic yards of excavated soil would require use of approximately 600 to 875 heavy haul truck trips, assuming 14 to 20 cubic yard haul trucks. Traffic control for trucks entering and leaving the site along PCH would be implemented through use of flaggers.

16.8

A number of us have been friends for years. We've raised our children together and we love our little town. Let's remember; we all want what's best and most of us have very good intentions.

Thank you for your time and consideration. And most importantly, thank you for your service and dedication to our community.

Be kind whenever possible. It's always possible. ~ Dalai Lama

Best regards,

Lynn Saunders Guilburt

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## Letter 16

**Commenter:** Lynn Saunders Guilburt, Malibu resident

**Date:** March 17, 2021

### Response 16.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter notes the excavation of soil for the project, sinking of caissons, and concern for the feasibility and safety of property surrounding the project site, including the need for extensive due diligence.

The proposed Project would be subject to both City and State regulations regarding public safety, slope stability and construction methods. As noted in IS-MND Section 1.4, *Project Approvals*, the Project requires approval of Variance Nos. 18-029, 18-030, 18-031 associated with approvals for slope stability, retaining walls, and soil excavation. Additionally, as noted in Appendix B, *Geotechnical Reports*, a series of explorations, studies, and approvals of geotechnical review for the project site are referenced, with the most recent versions attached within the Appendix. The reports for the Project include successive review and final approval from a geotechnical perspective. The Project includes a series of protections for the hillside, including reduced exposed face, stabilization wings, and secondary slope barriers. Please also see Section 4.7, *Geology and Soils*, for additional information on stability, review, and soil analysis.

### Response 16.2

The commenter expresses a concern with potential impacts from the Project from haul trucks that may be required during dirt excavation.

The Project would be subject to both City and State regulations regarding haul truck trips and public safety. As described in Section 1.4, *Project Approvals*, the Project is required to obtain permit approval for oversized transport vehicles on Caltrans right-of-way, such as along PCH, which may include additional construction-related requirements to obtain approval as mentioned above. Further, as described in Section 4.17, *Transportation*, of the IS-MND, the City applies Local Coastal Plan standard conditions to all applicable projects to minimize impacts to transportation and traffic including but not limited to: “for the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant/property owner is required to obtain a transportation permit from Caltrans.” Regarding further traffic considerations, please also refer to Appendix C for a detailed analysis of construction impacts. In the case of noise concerns, please also refer to Section 3.13, *Noise*, which identifies potential for noise during construction and operation of the Project and provides two mitigation measures to reduce noise related effects. NOI-1 which reduces construction noise through construction machinery and truck noise reduction accessories, staging area location, temporary sound barriers, and public noticing. Additionally, the Project would be required to designate a noise control coordinator. If an amplified sound is proposed outdoors, the Applicant must prepare a noise study and must submit an amendment to the proposed conditional use permit. Ultimately, potential traffic and noise concerns will be included in decision maker considerations in project approval deliberations.

### **Response 16.3**

The commenter notes an issue of no parking, traffic accidents, congestion lasting for hours, haul truck traffic, and trauma from the Woolsey Fire and the failures of City government.

The proposed Project would be subject to both City and State regulations regarding haul truck trips and public safety. The Project is required to comply with existing County of Los Angeles and City Emergency Response Plans. The City's 2018 Emergency Operations Plan provides an operational approach to response and recovery from potential hazards. The site is directly accessible to a regional transportation resource, PCH, and no new areas of service would be required for emergency personnel. Additionally, the site is designed for throughput access from PCH to the Malibu Inn parking area, which would improve adequate fire department access with the Project's driveway modification on the eastern end. Additionally, as described in Section 4.17, *Transportation*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as further described in Section 4.17, *Transportation*. Please refer to Section 4.17, *Transportation*, for additional discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [Matt Goodwin](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** 22959 Pacific Coast Public Comment  
**Date:** Wednesday, March 17, 2021 7:33:41 PM  
**Attachments:** [Screen Shot 2021-03-16 at 11.26.39 AM.png](#)

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Hello Adrian,

I'm writing in regards to the Staff Report and Draft Mitigated Negative Declaration for 22959 Pacific Coast Highway Malibu, CA.

Below is an outline of key items I would like to flag. This project will require significant disruption to the existing mountainside, thereby creating earth movement in an earthquake zone, significant construction noise, major PCH shutdowns and traffic throughout construction for utilities and will set precedents that Malibu hasn't seen before like 55ft retaining walls and subterranean parking in beachfront environments.

In addition, the City has indicated in this report that the project does not propose an Environmental Issue, and is suggesting a Negative Mitigated Declaration, as opposed to requiring a full Environmental Impact Report (EIR). I think there are plenty of environmental issues/risks that would trigger an EIR.

### Issues

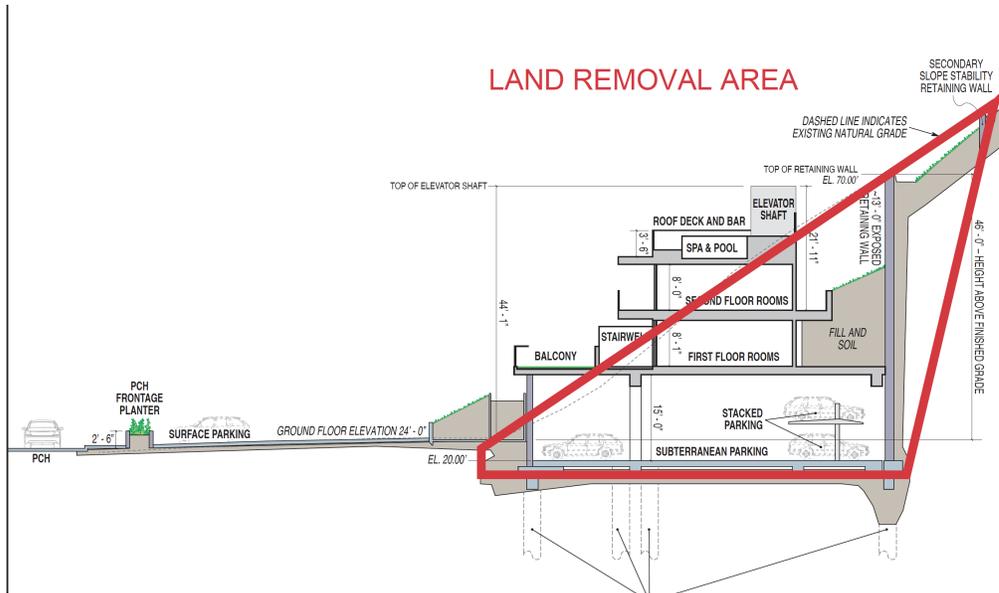
- **EIR** - The City has indicated in this Staff Report and Proposed Adoption that the project satisfies a Negative Mitigated Declaration ("NMD") as opposed to requiring a full Environmental Investigation Report ("EIR"). Based on the scale of this project, request for numerous variances and obvious disruption to natural environment disruption and risks and construction hurdles, this should obviously be an EIR requirement.
- **EIR Risks Not Listed** - On page 20 you only list "Noise" and "Geology/Soils" as items of Risk. However they should also be checking Aesthetics due to the natural hillside landscape, Air Quality through Construction with that much earth movement and dust, Biological, Land/Use Planning, Hydrology/Water Quality due to Subterranean Parking.
- **Construction & Subterranean Parking** - The creation of subterranean parking and a 55ft tall retaining wall should create a massive amount of heavy duty construction through the use of foundation piles that will create major earth vibration and sound during the course of construction. Approving an enormously large wall and subterranean parking would create a significant impact to the existing landscape and residential well being and create a new precedent for Malibu. I am also concerned for the stability of his hillside as it also relates to our property just two lots to the west. I can imagine during construction that significant vibration from pile driving and foundation / shoring work will create similar vibrations further west and put our hillside at risk. Have they considered vibration monitors so they do not affect the neighbors properties and cause landslides? Additionally, subterranean parking seems like a stretch for such a close proximity to the beachfront.
- **Retaining Wall, Construction on Slope, Non Exempt Grading Variances** - If you refer to the graphic below, you will see how much land is being proposed to be removed from the mountain which is quite enormous and will trigger environmental and stability issues. This project is requesting major variances and should be considered within the more suitable flat land, versus carving into the mountainside.
- **Height of Elevator Bulkhead** - In Malibu, a maximum building height can be 24' or 28'

17.6  
Cont

with a pitched roof. As you can see in this plan the height to the roof bulkhead of the elevator is 44'-1" which is significantly taller than the allotted requirement. As a note, we were building a similar elevator to take guests to our roof deck and we would've been at 28'-6" due to the nature of the elevator shaft, but also lower than our existing roof line. We were denied and ended up having to build one elevator that goes from the ground to second floor and another ADA lift from the 2nd floor to the roof deck. Thereby this is another "variance / ask" that seems to be out of place and should be reviewed in equal detail.

17.7

It seems also the loss of public parking will only create further parking issues for the Malibu Pier / Surfrider Beach area. Perhaps it could be a nice parking structure?



Thank you,  
Matthew Goodwin



## **Letter 17**

**Commenter:** Matt Goodwin, Malibu resident

**Date:** March 17, 2021

### **Response 17.1**

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter includes general concerns about potential earth movement at the site in the event of an earthquake, construction noise, PCH shutdowns, and beachfront aesthetics.

The Project would be subject to both City and State regulations regarding public safety, slope stability and construction methods and the Project would be generally visually consistent with surrounding uses. Please see Section 4.7, *Geology and Soils*, Section 4.13, *Noise*, Section 4.17, *Transportation*, and Section 4.1, *Aesthetics*, for assessments of each of these concerns. The Geotechnical analysis, as summarized in Section 4.7, *Geology and Soils*, and detailed further within Appendix B, note that geotechnical recommendations (conditioned within the Project), would be required to mitigate the potential impact of surficial instabilities from impacting the proposed structure, including debris fences installed on the ascending slope above the project site to protect the structure from surface instabilities. Section 4.17, *Transportation*, 4.20, *Wildfire*, and 4.9, *Hazards and Hazardous Materials*, note that the Project would not introduce a significant new number of visitors to the area, would not interfere with any adopted evacuation routes, and would not significantly exacerbate existing regional traffic conditions with implementation of the Project. Finally, Section 4.1, *Aesthetics*, notes that the Project would follow the existing topography, would minimize views of the vast majority of the proposed retaining wall, and would allow for a structure that is generally consistent with the surrounding development along PCH. All analyses found less than significant impacts, and general comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response 17.2**

The commenter asserts that the IS-MND is insufficient and that an Environmental Impact Report is warranted due to natural environment disruption, risks, and construction hurdles.

The Project would be subject to both City and State regulations regarding public safety, slope stability and construction methods. As noted in IS-MND Section 2, *Evaluation of Environmental Impacts*, subsection 3, an EIR would be required in the case that an IS-MND identifies potentially significant impacts that cannot be mitigated to a less than significant level. In the case of the Project, no impacts were identified as potentially significant without mitigation, indicating that all potential impacts would either be less than significant or could be reduced to a less than significant level with the implementation of Project-specific mitigation, and all impacts would be maintained lower than those thresholds established by CEQA. Therefore, with consideration for the conducted IS-MND analysis, an EIR was not determined necessary to address environmental review.

### **Response 17.3**

The commenter asserts that, in addition to “Noise” and “Geology/Soils” marked as potentially affected in IS-MND Section 3, *Environmental Factors Potentially Affected*, the resource sections “Aesthetics”, “Air Quality”, “Biological Resources”, “Land Use and Planning”, and “Hydrology/Water Quality” should also be marked as potentially significant.

The Project would be subject to both City and State regulations regarding public safety, slope stability and construction methods. Marked resources in Subsection 3 are reserved for those resource areas that are identified as potentially significant, with or without mitigation. Resource areas identified as less than significant, due to project features, City or State regulation, or other reasons, are not marked within this subsection. As such, it would not be appropriate to mark “Aesthetics”, “Air Quality”, “Biological Resources”, “Land Use and Planning”, or “Hydrology/Water Quality” within this section. It should be noted that the resource areas with identified mitigation measures that were subject to public review (Cultural Resources, Geology and Soils, Noise, and Tribal Cultural Resources) have been comprehensively addressed throughout the document.

### **Response 17.4**

The commenter raises concern associated with the construction of the Project’s proposed subterranean parking and retaining wall, including earth vibration, earth stability, and requests vibration monitors, and expresses concern for subterranean parking in close proximity to the beachfront.

The Project would be subject to both City and state regulations regarding public safety, slope stability and construction methods. As noted in Appendix B, *Geotechnical Reports*, a series of explorations, studies, and approvals of geotechnical review for the project site are referenced, with the most recent versions attached within the Appendix. The reports for the Project include successive review and final approval from a geotechnical perspective. The Project includes a series of protections for the hillside, including reduced exposed face, stabilization wings, and secondary slope barriers. Please also see Section 4.7, *Geology and Soils*, for additional information on stability, review, and soil analysis. Regarding potential vibration impacts, please see Section 4.13, *Noise*, Impacts A and B, which note that pile drivers are not proposed for construction, and notes that any use of a pile driver would require City approval and conditioning prior to use, reiterated though NOI-1. Regarding hydrologic impacts onsite that may occur from subterranean features and proximity, please also refer to Section 4.7, *Geology and Soils*, which notes that the Project has undergone extensive geotechnical review to ensure stability, incorporates stabilizing and wing retaining walls for heightened slope stability, and would be required to follow design provisions through the IBC and CBC (as adopted by the City and codified in MMC Section 15.04.010) to employ design standards that consider seismically active areas to safeguard against major structural failures or loss of life.

### **Response 17.5**

The commenter raises concerns regarding the Project’s proposed retaining wall, construction on slopes, and associated variances.

The Project would be subject to both City and state regulations regarding public safety, slope stability, and construction methods. As noted in IS-MND Section 1.4, *Project Approvals*, the Project requires approval of Variance Nos. 18-029, 18-030, 18-031 associated with approvals for retaining walls, height, non-exempt grading in excess of 1,000 cy per lot area acreage, and the location of parking spaces within the front yard setback. Additionally, Appendix B, *Geotechnical Reports*, a series of explorations, studies, and approvals of geotechnical review for the project site are referenced, with the most recent versions attached within the Appendix. The reports for the Project include successive review and final approval from a geotechnical perspective. The Project includes a series of protections for the hillside, including reduced exposed face, stabilization wings, and secondary slope barriers. Please also see Section 4.7, *Geology and Soils*, for additional information on stability, review, and soil analysis, and consider the geotechnical report findings included in Appendix B, *Geotechnical Reports*.

### **Response 17.6**

The commenter states that the building height would exceed that of the City's requirements, specifically that the City allows buildings up to 28 feet with a pitched roof, and that the IS-MND cross section indicates an elevator height of 44 feet and 1 inch.

The Project would be in compliance with the City's requirements, with approval of SPR No. 18-025. As noted in Section 1.4, *Project Approvals*, the Project would require approval of SPR No. 18-025 for a building height in excess of 18 feet and not to exceed 28 feet for a pitched roof. The 44 feet and 1 inch measurement indicated by the commenter includes the subterranean feature. In the City, subterranean features and elevator features are not included in the calculation of total building height under SPR 18-025. As noted in Section 4.11, *Land Use and Planning*, the Project requires the approval of discretionary requests in line with City code to be deemed consistent with land use policy. With those approvals, impacts are found to be less than significant. As such, with review and approval of SPR No. 18-025, the Project would be confirmed in compliance with City for the purposes of environmental review. Comments regarding suggestions on heightened Project review will be included within the public record and available to decision-makers for planning and policy consideration.

### **Response 17.7**

The commenter raises a concern about the loss of public parking and associated area issues.

The IS-MND assesses the impacts to parking onsite and for adjacent uses. Please refer to Comment Responses 12.2 and 15.2 for further parking related discussion.

**To : Adrian Fernandez**

**From: Malibu Coalition for Slow Growth by Patt Healy**

**Re: Malibu Inn Motel Mitigated Negative Declaration**

**Date: 3-17-21**

## **Malibu Inn Motel Mitigated Negative Declaration**

### **Project Description**

18.1

The Malibu Inn Motel, proposed to be located at 22959 Pacific Coast Highway, is for the construction of a new 7,693 square foot motel above a new subterranean parking garage, surface parking lot, grading, retaining walls, landscaping and a new onsite wastewater treatment system; including variances for non-exempt grading in excess of 1,000 cubic yards per acre of commercial development, construction on slopes steeper than 2.5 to 1, surface parking within the required front yard setback, and retaining walls in excess of six feet in height, a site plan review for a building height in excess of 18 feet, not to exceed 28 feet for a pitched roof, a conditional use permit for a new commercial development over 500 square feet and a motel in the CV-1 zoning district, and for a Joint Use Parking Agreement to share parking spaces with the adjacent lot.

### **Benefit to Residents**

18.2

**How does this project benefit the residents of Malibu?**

**How does this project enhance residents quality of life ?**

18.3

**Why were residents not notified and allowed input prior to the preparation of the this Negative Declaration (“ND”)?**

### **Development Criteria Ignored**

18.4

**With so many major variances required, how did this project get to the point of the city proposing a mitigated negative declaration?**

18.5

**Why didn't the city ask the owner to develop within the code, instead of allowing the developer to ignore the development standards put in place to protect the small town rural feeling of Malibu?**

18.6

**The General Plan states that Commercial Development has to be residential in size. Why was this ignored?**

18.7 | Why isn't the city insisting its development criteria be met to protect Malibu from urbanization?

18.8 | Why is city staff justifying this project by stating it is the same height as the oversized county approved clock building when the Municipal Code and MLCP were enacted to prevent the continuation of this county allowed type of construction ?

### FAR

18.9 | The code allows for commercial development at a maximum FAR of .15.

18.9 | According to Slow Growth's calculations the actual FAR is .15.37 If we are correct this exceeds the allowable FAR.

18.10 | What is the actual FAR of this project? The ND states the slope is greater than 2 ½ to1. What percentage of the slope is 1:1 or steeper?

18.11 | Has the portion of the slope which is 1:1 or greater been deducted when calculating the properties square footage ? If not, how much has to be deducted? And how much smaller does the project have to be to meet the required .15 FAR after the deduction of the 1:1 or great slopes ?

### Height

18.12 | The ND states the structure is 28 ft in height. Height is measured from grade and this structure is 46 ft.in height from finished grade to the top of the roof's elevator shaft. Elevator's are not excluded when calculating height.

This is in reality a 3 or 4 story structure. There is the 2 story motel and the third story is the actual above ground parking under the motel. The 4<sup>th</sup> story is the rooftop space containing the pool and the produding 10ft high elevator and a 3 ft. high guard rail .

18.13 | Although described as subterranean parking, to say the parking structure is subterranean is misleading since only about 4 ft is actually underground. This parking structure is not subterranean since the majority of the parking is above ground level. (See figure 3 ND.)

18.14 | Was the above ground portion of the parking structure counted in calculating the FAR ?

18.15 The NG states: "The proposed new motel would be similar in size, bulk and scale to existing structures to the east and west ..." This is an inaccurate statement This building is massive in relation to the Malibu Inn which is directly to the west and the Chabad building directly to the east which are both one story and under 18 ft. in height (see rendering )  
[https://www.malibucity.org/DocumentCenter/View/27710/Malibu-Inn-Motel\\_Renderings](https://www.malibucity.org/DocumentCenter/View/27710/Malibu-Inn-Motel_Renderings)

18.16 Why is city staff justifying this project by stating it is the same height bulk and scale as a oversized county approved clock building when the Municipal Code and MLCP were enacted to prevent the continuation of this non- human scale type of urban construction?

### Geology

Why wasn't the fact that the project is in a tsunami zone analyzed ?

18.17 The ND states: "As the project site is located within the seismically active Southern California region, there is the potential for regional seismic events to cause strong ground shaking at the project site. There is also a possibility that there could be trace of previously unidentified faults somewhere onsite. The residential structure located north of and above the slopes on and adjacent to the project site has been identified on top of a potentially unstable slope, and excavation of the toe to this slope for the new hotel, subterranean parking and retaining wall have the potential to cause slope failure if exacerbated by rainfall".

18.18 The Geology study confirms this is an unstable bluff. What is to prevent the portion of the bluff above the retaining wall from sliding in a heavy rain or a major earthquake?

18.19 Did the owner do anything to determine that there were no faults running through the property ? Is so, what kind of investigation did they do and what did they find ?

18.20 The ND states that even following the codes loss of life could occur, and the loss of life and property would have a less than a significant impact. Please explain how can loss of life ever be considered a less than a significant impact

## Coastal Bluff/Grading

- 18.21 The ND states: "The Project is proposed on a site that was likely on or immediately adjacent to a beach prior to development and was subject to coastal processes (e.g., wave action, beach scour), and has experienced substantial erosion from the northern bluff into the project site (Appendix B)." This description meets the definition of a Coastal Bluff"
- Elsewhere in the ND it states "the Project would only alter the lower approximately 50 feet of the slope, while the upper 130 feet remain unaltered."
- This would be accomplished by cutting into/ excavating a massive amount of the coastal bluff. This excavated soil will have to be exported off site.
- 'Where does the code allow cutting into a coastal bluff ? If the city denies it is a coastal bluff, where in the code does it allow cutting into a bluff face allowable?
- 18.22 What is the length and depth of the cuts into bluff ?
- The code allows for 1000 cu yds of grading and the cut and fill should be balanced remain on site and not be exported.
- 18.23 Grading Into the slope is not exempt. The only exempt grading is the approximately 4ft. underground portion of the parking structure.
- 12,649 cu yds of cut into this bluff is an enormous amount of grading into an admittedly unstable hillside. What is to prevent the hillside from sliding during the grading 50 ft high into slope ?
- 18.24 Is the 11,693 understory grading for the approximately 4 ft of the subterranean parking Lot?
- 18.25 Why was the removal of the cut dirt off site estimated to be only 600-800 cu. yds when a normal dump truck carries 10 cu.yds. of dirt ? A more realistic calculation is 1,269 truck loads have to hauled off site.
- 18.26 Over how many days will PCH traffic be disrupted as the dirt is being hauled off site?
- 18.27 Why isn't a traffic management plan required now so the impact of this project is known to the decision makers and the public ?

## Retaining Wall

18.28 Under the code retaining walls are to be no higher than 6 feet in height. The proposed retaining wall height is 46 ft above finished grade but in reality is 56.5 ft high measured in its entirety.

What is the length of the retaining wall?

18.29 Just because the retaining wall will be camouflaged and hence supposedly looks ok from PCH doesn't mean such a high deviation of what is allowed under the code should be granted.

18.30 What is the visual impact of this retaining wall from the end and middle of the Malibu Pier?

18.31 How far will west bound traffic be backed up because of the construction of this project during Saturdays and in the summer?

## Cultural Resources

18.32 Where did the preparer of the ND get information regarding the lack of the possibility of cultural resources on site dismissing the potential for their existence due to possible past wave action? Recent 20<sup>th</sup> century evidence proves otherwise.

According to a supporter of Slow Growth when the clock tower building 2 properties to the east was under construction a Chumash burial site was found and excavated. All along this area east of the Malibu Creek at various times Chumash artifacts and burials have been found. It is therefore likely that this site could harbor a Chumash burial ground or in the very least Chumash artifacts.

18.33 It appears that this section of the ND was written based on supposition rather than researching the actual situation. We suspect if the research was done there are probably several recorded Chumash sites in the vicinity .

The MLCP gives instruction as to how to the city is to deal with potential Chumash sites both pre construction site and during construction Why isn't the LUP being ignored instead of being followed ?

## Wastewater

18.34 It appears that the OWTS is being allowed only because there is an expectation that this part of town will be required to hookup to the Civic Center Treatment in phase 3 which is expected to occur in 2028.

Is Phase 3 guaranteed? Can this OWTS perform for the life of the project if phase 3 doesn't happen? What is the expected life of this system ?

18.35 How far above the groundwater table is the OWTS ? Is there a chance that groundwater brackish or fresh can enter the system ?

18.36 What kind of problems can be caused because the leach field is not large enough to hold the effluent from this project and the Malibu Inn?

18.37 The ND states: "The fact the property owner has to record a covenant notifying new owners of the following: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair".

The uncertainties of the workability of the OWTS and its leach fields should result in project denial or in the very least require an EIR since the possibility of it not working is significant.

#### Public Access

18.38 The denial/loss of public parking for visitors to the Malibu Pier will be significant and is not mitigable. Why isn't this loss of parking acknowledged in the ND?

18.39 What percentage of the motel rooms will be low income accommodations?

#### Parking

The joint use parking agreement with the Malibu Inn is not sufficient when the restaurant dining area is full, the outdoor tent is in use and/or they have bands and other entertainment on site. Since this is the case why isn't the actual required parking being increased ?

18.40

What motel personnel will occupy the 3 employee parking spaces?

How many employees will be employed by the Malibu Inn and The Aviation Nation shop when the Malibu Inn is at full capacity ? Where will these employees park?

18.41

Will the motel and Inn parking be valet parking or self serve?

Why isn't stacked parking being required now as a part of the project?

18.42

Stacked parking will have to be installed now or installed later since the Malibu Inn is under parked for the amount of cars that will using the site? How will the after the fact installation of stacked disrupt needed project parking and for how long?

18.43

In an emergency, stacked parking is not a good idea because of the time needed to get cars out of the lot and on to the driveway how long a delay will there be if the stacked cars and their drivers have to be evacuated?

Even if there is no stacked parking in an evacuation situation it will take an enormous amount of time to get all the cars and their occupants off site. A EIR needs to analyze this situation because in an emergency a very dangerous situation is being created.

18.44

If there is valet parking and /or stacked parking have these employees been counted in the 3 employee parking space allotment? If not, how many more parking spaces will be needed for these employees?

18.45

Will the handicap parking stalls reduce the needed/required parking if they are not being used ?

18.46

At one point the ND says only 3 additional parking spaces are needed for employees. Later on it says there will be 20 employees onsite at peak times. If this is the case why aren't more spaces being provided?

18.47

Why does the ND not analyze the impact of loss of needed Malibu Pier parking which is needed on weekends and summer days . This needs to be analyzed in an EIR.

Since it is rare, if not impossible, to find parking along PCH and the pier parking lot is full in the summer and often in winter weekends there certainly will a loss of needed pier/ beach parking. How is the current property's parking spaces used by residents and visitors alike being replaced?

### Traffic

The traffic study doesn't reflect the reality of the traffic backup and gridlock on this strip of PCH. It talks around it. In actuality, there is a traffic movement problem on a regular basis during rush hour and in the summer and it is significant and not mitigable.

Why are we allowing a minimum 20 more visitor cars going in and out of the motel more than once a day add to the already unmitigable traffic problems?

### Emergency

PCH is a major evacuation route and the ND states the incremental increase in traffic is not an evacuation problem and the impact is not significant. Obviously, the preparer of the emergency impacts has never been on PCH in an emergency situation or when an ambulance is trying to get to Santa Monica on a summer day when traffic is gridlocked. Even an incremental increase if traffic can be and is significant.

18.48

These so called incremental impacts have to be studied along with the incremental impacts of all of the earlier projects mentioned below in the cumulative an EIR.

There is no real analysis in the ND. Statement are simplistically made and expected to be accepted as true. The expectation in the ND is the evacuation will go perfectly without real consideration of an overcrowded after dark smoke filled gridlocked highway, with non functioning traffic lights ,and unpredictable human behavior to name just a few of the many safe evacuation impediments. The worst case situation has to be analyzed in an EIR.

18.49 The ND naively states that with implementation of the required fuel modification plan on the project site, wind driven wildfire impacts would be less than significant. This statement doesn't take into account that wildfire embers travel for miles.

### Cumulative Impacts

As required by CEQA why doesn't this ND take into account the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct?

18.50 Why aren't the cumulative impacts of this project being studied in light of all the created traffic congestion and parking impacts from recently approved development which residents are constantly upset about.

The project needs be studied in conjunction with the traffic circulation and off site parking impacts created by the Sea View Hotel , the Malibu Beach Inn, Avis lot parking , Nobu , Soho House , Malibu Pier and Malibu Inn as well as Surfrider beach parking east of the Adamson house and west of the Malibu Pier. The traffic and the PCH parking impacts of all of these projects should be factored in when considering the impact of this project. This is a major reason why an EIR is needed.

18.51 It is well known to residents that there is not enough parking in the vicinity for the users of these facilities and their employees.

18.52 And despite what individual traffic studies state, this area of PCH is highly congested. During rush hour westbound traffic often backed up all the way to Carbon Canyon. On a good day traffic is backed up during rush hour from the Malibu Beach Inn to Cross Creek Rd.

On summer weekends and even during summer weekdays traffic doesn't move in this area. It is gridlocked. The city's traffic studies do not reflect reality.

18.53 This project as well as the many others in this vicinity have/are being piecemealed through with no thought given to the cumulative traffic , parking and other environmental impacts such as aesthetics , increased groundwater, urbanization of Malibu , safe evacuation and the failure to construct projects

18.53  
cont.

that meet the development criteria/standards set forth in the Municipal Code and MLCP.

Since the cumulative impacts are not being studied in relation to recently past piecemealed projects and potential future projects, this ND is fatally flawed.

#### EIR Required

18.54

Under CEQA, If there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

The ND failed to indicate any potentially significant impacts but there are some that are significant not mitigable such as traffic. An EIR needs to be done and if the city council desires this project, it would have to make a finding of overriding consideration.

18.55

The very fact that this project is a significant departure from the code requirements makes an EIR necessary. In the EIR more environmentally protective alternatives have to be analyzed such as "no project" and a smaller one story commercial project which is residential in scale that doesn't need all these monumental variances have to be analyzed.

18.56

In this instance the parking impacts are significant and they are glossed over in the ND. The current site during the day provided parking for visitors to the pier and the Farm restaurants on the pier. This needed parking is being lost.

18.57

Cuts and excavation into the toe and then excessive excavation of the slope 50 foot high to a unknown depth is destabilizing the slope without an enormous 56.6 ft retaining wall.

Furthermore it is questionable if these cuts are allowable since it is cutting into a bluff face and the cuts and retaining wall are of a magnitude that is unimaginable in Malibu.

## **Letter 18**

**Commenter:** Patt Healy

**Date:** March 17, 2021

### **Response 18.1**

The commenter correctly describes elements of the proposed Project's location, square footage, and variances.

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. Comments regarding the specifics of the Project do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response 18.2**

The commenter asks how the Project benefits Malibu residents and improve quality of life.

The Project would expand overnight accommodation access in the City, which would provide additional TOT revenue to the City to provide services and City improvements to residents as well as benefiting local businesses such as restaurants and retail uses through increased visitation. Additionally, the Project would support resident's capacity to have overnight accommodation access for visiting family and friends. Comments regarding the usefulness of the Project to Malibu residents do not directly pertain to the analysis within the IS-MND. Nevertheless, comments will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response 18.3**

The commenter asks why Malibu residents were not notified and allowed to provide input prior to the preparation of the Project's Negative Declaration.

In compliance with CEQA and adopted City procedures, the public draft IS-MND was provided to the public for the required 30-day comment period, and all public comments received have been responded to. Under CEQA, MNDs do not provide an opportunity for the public to comment until the public draft review period. CEQA Statute 15375 describes only EIRs shall provide a Notice of Preparation period prior to drafting of the EIR for public comment. Therefore, the Project and IS-MND complied with CEQA requirements for public noticing and comment periods. Additional opportunities to provide comment to decision-makers will occur during public hearings with time to voice opposition to the Project. Further, it should be noted that the Project's CEQA review is not a Negative Declaration, but rather a MND due to required mitigations to noise, geology and soils, and cultural resources.

### **Response 18.4**

The commenter asks why with major variances required for Project approval the Project has gotten to the stage that the City has prepared a Negative Declaration.

The IS-MND thoroughly addresses all potential impacts associated with required variances. In addition, as stated in Response 18.3, the City actually prepared an IS-MND. As described in Section 1.4, *Project Approvals*, of the IS-MND, the Project would require four variance approvals for grading, slope construction, retaining wall height, and surface parking setback. As described in the IS-MND, extensive technical studies particularly in regards to geology and soil impacts (refer to Section 4.7, *Geology and Soils*) have been completed for the Project, several of which directly address potential impacts associated with requested variances. The technical studies support the finding of the IS-MND that the Project would not create significant safety hazards associated with slope stability or seismic hazards and that both public safety and the environment would be protected with inclusion of proposed mitigation measures and the City's standard conditions of approval. Approval of the Project and associated variances will be considered by the City Planning Commission and associated conditions of approval will be imposed to protect the City and environment as determined necessary. Therefore, the City has required preparation of a IS-MND to ensure complete review and analysis of potential project impacts and any required mitigations, including those associated with proposed variances. Nevertheless, comments regarding concern of the required extent of variances that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response 18.5**

The commenter asks why the City did not ask the owner to develop within the City's code instead of allowing the developer to ignore development standards in the City to protect the small town rural feeling.

The IS-MND addresses the Project as proposed by the developer as required under the law. The City Planning Commission and City Council retain full discretion to impose additional measures as warranted and to consider whether to approve or reject the requested variances based upon the evidence before them, including the IS-MND. As described in Section 1.1, *Project Site and Existing Uses* of the IS-MND, the Project would be consistent with the City's General Plan and all applicable development standards, with the inclusion of requested variances. Therefore, the Project would be consistent with City code related to preservation of the rural character of the City. The Project would require approval of requested variances; however, the City maintains the right to approve or deny variances on a project-by-project basis. Comments regarding concern of the Project's consistency with City code that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response 18.6**

The commenter asserts the City's General Plan requires commercial development by residential size and asks why this was ignored.

The City's 2010 Land Use and Circulation Element does not have a policy or standard requiring commercial development to be of residential size. Please refer to Response 18.5 for discussion of the Project's compliance with City Code and the General Plan. The Project is consistent with the code for required FAR and height; the proposed motel use is conditionally permitted in the CV-1 zone district. Comments regarding concern that the Project would not be of residential size and compliant with the City's General Plan that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

## **Response 18.7**

The commenter asks why the City is not insisting the development criteria be met for the Project to protect Malibu from urbanization.

Please refer to Response 18.4.

## **Response 18.8**

The commenter asks why the City is justifying the Project by asserting the Project would be the same height as the oversized County approved clock building when Municipal Code and Local Coastal Plan were enacted to prevent the County from further similar construction.

The IS-MND does not attempt to justify the Project by comparison of the Project's proposed height or size to the County approved clock building, rather the IS-MND provides a detailed analysis of potential project impacts compared to the existing physical environmental setting. As stated in Section 1.4, *Project Approvals*, the Project would require a height variance for development of the retaining walls in excess of six feet in height (Approval of Variance NO. 18-031). As described in Response 18.3, Project approvals and approvals of variances are required by the City Council prior to adoption of the IS-MND. Comments regarding concern of the height of the proposed Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

## **Response 18.9**

The commenter states the Project's FAR should be .1537 based on Slow Growth calculations, which exceeds the commercial development maximum of .15 FAR for the City.

Following the MMC, which provides guidance on FAR calculation, FAR on the site is not exceeded. As described in Section 4.11, *Land Use and Planning-Impact B*, "the Project proposes 7,693 sf of commercial floor area on a 51,352 sf (1.18 acre) parcel, the resulting FAR would be 0.15, consistent with the maximum FAR permitted. The Project would require approval of CDP No. 09-067, ensuring adherence to local and regional policies and goals throughout implementation of the Project." The IS-MND calculated the FAR using the Project's square footage (7,693 sf) based on a 51,352 sf lot area.

## **Response 18.10**

The commenter asks what is the actual FAR of the Project as the IS-MND states the slope is greater than 2.5 to 1. The commenter additionally asks what percentage of the slope is greater than 1:1.

Based upon the provisions of the MMC, the FAR of the Project is 0.15 as described above. The square footage of the site relies upon the total area of the site parcel (APN 4452-019-005). As shown in Figure 2, the parcel boundary includes the slope; therefore, it must be included in the FAR calculations. The slope grades indicated within Appendix B, *Geotechnical Reports*, do not indicate any portion of the slope exceeding 1:1, and instead indicate 1:1.5 and 1:2.0 grades within the site.

### **Response 18.11**

The commenter asks if the portion of the slope that is 1:1 or greater has been deduced when calculating the properties square footage. If not, the commenter asks what percentage has been deduced and how much smaller the Project would need to be to meet the required 0.15 FAR after a deduction of the 1:1 or greater slopes.

The IS-MND nor Appendices indicate any portion of the slope exceeds a 1:1 slope. Additionally, as described in Section 1.4, *Project Approvals*, the Project is only required to apply for a variance for development of slopes at or greater than 2.5:1. The Project does not consider what portion of the slope is 1:1 or greater nor is that sum reduced when calculating the FAR as no required City or state policy recommends or requires such action for commercial development. Therefore, the Project is in compliance with City FAR standards for commercial development and does not require reduction of the Project footprint to meet 0.15 FAR.

### **Response 18.12**

The commenter states that the proposed Project structure of 28 feet in height is incorrect, as the commenter asserts the height measured from grade to the roof's elevator shaft is 46 feet, and that elevators should not be excluded when calculating a structure's height. The commenter also asserts the Project is a 3 to 4 story structure not 2 stories.

Regarding building height calculations within the City, the standards limit the structure from finished grade, and the proposed structure is in compliance with measurements of the building height from finished grade, of which the calculations do not include subterranean features. The 36- and 44-foot heights previously indicated in Section 1.4, *Project Approvals*, more accurately refer to the height of the structure above the structure's ground floor elevation, while the structure is actually built into the slope and does not exceed 28 feet above finished or natural grade at any location. This number clarification has been included within Section 1.3, *Project Description*, and appropriately characterized in Figure 3. The remaining 34 percent of the project site closest to the top of the slope would be maintained as undeveloped open space.

### **Response 18.13**

The commenter states the IS-MND's description of parking as subterranean is inaccurate as only approximately 4 feet of the structure would be underground. Also, the commenter feels the parking structure is not subterranean since the majority of the parking is above ground level.

The commenter identifies approximately 4 feet of the subterranean parking garage would be below grade, however no portion of subterranean garage daylights more than 3 feet from finished grade, except for a vehicle opening and building required emergency egress. The IS-MND correctly identifies the 29 subterranean parking spaces as subterranean, and underground access via a driveway would be required. The Project would additionally provide 18 at grade surface parking spaces as shown in Table 1 of the IS-MND. Nevertheless, comments regarding assertion that the subterranean parking should be described as at grade that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response 18.14**

The commenter asks if the above ground portion of the Project's parking structure was included in calculating the FAR.

All necessary components of FAR are included within the document and calculated per City requirements. As noted in Note 1 of Table 1, the occupied space of the motel is the only feature that is to be included in calculations of the structure's FAR. Occupied Space, or the gross floor area, comprises the structure's Total Floor Area, which includes the square footage that is used to calculate estimated water use, sewer rates, trip generation, FAR, and associated considerations. Considering the site's 7,693 sf of occupied space, and the lot area of 51,352 sf (1.18 acres), the total FAR is approximately 14.98 percent, which is lower than the 0.15 FAR lot limit. Please refer to Section 1.3, *Project Description*, for more detail on the site's calculations.

### **Response 18.15**

The commenter states the MND's assertion that "the proposed new motel would be similar in size, bulk and scale to existing structures to the east and west" is inaccurate given the Project's structure is massive compared to the Malibu Inn and Chabad building which are both under 18 feet in height.

While the Malibu Inn and Chabad building, which lie immediately adjacent to the site are single story, to the west and east, as stated in the IS-MND are multiple two-story or greater structures with similar size, bulk and scale, including the much larger Malibu Plaza within 185 feet of the eastern project boundary and the Surfrider Inn approximately 300 feet from the western boundary. Multiple other large structure also lie along both sides of PCH east of the project site.

### **Response 18.16**

The commenter asks why the City is justifying this project by stating it is the same height, bulk, and scale, as the County approved clock building.

Please refer to Response 18.8.

### **Response 18.17**

The commenter asks why the Project's location in a tsunami zone was not analyzed.

The IS-MND does address potential Tsunami hazards. As stated in Section 4.10, *Hydrology and Water Quality*, the California Department of Conservation Tsunami Inundation Maps for southern California indicate the project site would be outside any potential tsunami inundation area. However, the project site is within 200 feet of the upper limit of the potential inundation area, located on the opposite (southern) edge of PCH. Given the Project is outside of mapped tsunami inundation zones for southern California, the IS-MND describes impacts as less than significant and no mitigation is required.

### **Response 18.18**

The commenter states the IS-MND describes the Project is located within seismically active southern California and has potential for impacts from regional seismic events, and the residential structures on the north of and above the slopes are on potentially unstable soil, and raises the concern that Project

excavation activities could cause slope failure. The commenter requests clarification on if the bluff is unstable what would prevent the bluff above the retaining wall from sliding in a heavy rain event or major earthquake.

The IS-MND includes adequate assessment of potential geologic impacts and consideration for the project's geotechnical review, and refers to additional detail that can be found within Appendix B. In Section 4.7, *Geology and Soils*, the IS-MND notes that the Project would be located in the seismically active southern California region. Please see Comment Response 18.4 for additional discussion on the geotechnical reports. Design requirements include the freeboard on the rear yard retaining wall will be designed to provide code-require setbacks from ascending slopes. The freeboard would be designed as an impact wall with a minimum equivalent fluid pressure of 125 pcf, based on the geotechnical recommendations by the Consultant. Therefore, the Project's retaining wall design would adequately protect life and property from unstable slopes during an earthquake and/or rainfall event.

### **Response 18.19**

The commenter asks if the property owner worked to determine if there were faults underlying the property and if so what kind of investigation was done and the following results.

The Proposed Project has been subject to extensive geotechnical analysis, including the potential for damage from seismic events. As described in Section 4.7, *Geology and Soils*, the project site is located between two mapped splays of the Malibu Coast Fault Zone. However, the project site is not located in a designated Alquist-Priolo Earthquake Fault Zone, nor was there positive evidence of active faulting during geologic mapping and subsurface explorations conducted at the project site as part of the site-specific Geotechnical Report (Appendix B). Therefore, the potential for surface rupture during a seismic event is considered remote and less than significant. No further evaluation of fault locations is required by CEQA, and the Project would comply with IBC and CBC to employ design standards that consider seismically active areas to safeguard against major structural failures or loss of life.

### **Response 18.20**

The commenter states the IS-MND identifies that, even with full compliance to City code, the loss of life and property could occur. The commenter requests that the IS-MND explain how a loss of life can be described as less than significant, or how an IS-MND can conclude less than significant impacts when stating a potential for loss of life.

The IS-MND thoroughly analyzes potential impacts associated with geology and soils and other hazards which are described in great detail. As discussed in the IS-MND, the Project will not exacerbate the risk of an earthquake or liquefaction. Loss of life is always a crucial element to consider under CEQA; however, the IS-MND found the Project would not exacerbate the risk to the public in the event of an earthquake in southern California. The Project cannot alter existing conditions of earthquake risk to the southern California region, which are addressed in the CBC, as well as City policy. Please refer to Response 18.19 for discussion of the Project's building code compliance for earthquake events.

### **Response 18.21**

The commenter states the IS-MND identifies the site as located on a "coastal bluff" and states the Project would only alter the lower approximately 50 feet of the slope with the remaining upper 130 feet unaltered.

The commenter asks where the City code allows cutting into a coastal bluff, and if the City denies the site is a coastal bluff, where does the code allow cutting into a general bluff face.

The IS-MND notes the Project's location at the base of a slope, and assesses all relevant City policies regarding slope development. The City of Malibu's Local Coastal Plan/Land Use Plan item 3.50 requires "cut and fill slopes and other areas disturbed by construction activities (including areas disturbed by fuel modification or brush clearance) shall be landscaped or revegetated at the completion of grading." As stated in the IS-MND, *Project Description*, the cut and fill slopes will be stabilized with landscaping. Further the Malibu Local Coastal Plan/Land Use Plan line item 6.9. h requires all new development to be sited and designed to minimize height and length of cut and fill slopes; however, such activities remain allowed with City approval. Therefore, as noted within the IS-MND, through adherence to City code, geotechnical specifications, and approval of project variances, the Project is consistent with all existing City policy related to cut and fill on slopes.

### **Response 18.22**

The commenter asks what length and depth the coastal bluff cuts would be for the proposed Project.

The IS-MND and supporting geotechnical reports thoroughly describe changes to the base of the slope as well as any potential hazards. The 13,043 cubic yards of excavation would be conducted within the approximate 160 foot length and 50 foot height, with variations in height or length to accommodate geologic stability and re-added fill and soil, calculated within Appendix B and summarized within the IS-MND.

### **Response 18.23**

The commenter states the City's code allows for 1,000 cy of grading, and cut and fill should be remain onsite with no offsite transport. The commenter further asserts grading in a slope is not an exempt activity, and 12,649 cy of cut into a bluff is an enormous among of grading on an unstable hillside. The commenter asks what would prevent the hillside from sliding during grading.

The IS-MND thoroughly addresses grading and impacts associated with alternation of the slope and acknowledges the Project's exceedance of the City Code, as further detailed in Comment Response B.10 and noted in IS-MND Section 1.4, *Project Approvals*. The City's Code does not require all cut and fill to remain onsite for construction projects. As described in Section 4.7, *Geology and Soils-City Standard Conditions of Approval*, the Project would comply with City Standard Conditions of Approval including: Grading should be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct grading activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities. Additionally, all recommendations of consulting certified engineering geologist or geotechnical engineer and/or City geotechnical staff related to grading will be incorporated into the final design. Please also refer to Comment Response 18.4 for further discussion of variances. The IS-MND does not state grading on a slope is an exempt activity, and as stated above would comply with all required approvals and design methods. Therefore, the Project would not exacerbate hillside stability during grading.

## **Response 18.24**

The commenter asks if the 11,693 cy of understory grading is for the four feet of subterranean parking.

The IS-MND thoroughly describes Project grading and any resultant potential impacts. Due to the structure's location on a hillside, understructure grading includes the total slope area beneath that required for the structure, and so it does include the subterranean parking. The IS-MND notes that the 11,639 cy of total grading is considered understructure grading, which is a Local Implementation Plan-exempt category from the total allowable.

## **Response 18.25**

The commenter inquires on the estimated total number of haul trucks that would be used to haul dirt off site, noting a normal dump truck carries 10 cy of dirt.

The IS-MND thoroughly describes project grading and associated truck traffic. Please refer to Comment Response B.10 for additional information on this topic.

## **Response 18.26**

The commenter inquires on the number of days PCH traffic would be disrupted during excavation haul activities.

The IS-MND thoroughly describes Project grading and associated truck traffic. Haul truck activity associated with site grading would require approximately 108 days (Appendix A). Based upon the detailed analysis within the IS-MND, this number of trips would be far below that which may cause transportation impacts. While not every day would include haul truck activity, assuming the highest estimated number of truck trips required (875 haul trucks), over this period, this would result in an average of 8.1 haul truck trips per day, which would not result in substantial traffic impacts considering avoiding generating vehicle trips during rush hour traffic (see Section 4.17, *Impact C*) and adhering to California Vehicle Code and City Standard Conditions of Approval.

## **Response 18.27**

The commenter inquires why a traffic management plan is not required.

Approval of Caltrans' Stage Construction, Traffic Handling, and Detour Construction plans are required, including encroachment permits for the work that requires hauling on Caltrans right-of-way, such as along PCH. These requirements are noted within Section 1.4, *Project Approvals*, and the discussion within Section 4.17, *Transportation, Impact C* of the IS-MND. Additional traffic management plans are not required under CEQA, however the comment will be included within decision-maker consideration.

## **Response 18.28**

The commenter asks for the length of the retaining wall.

The IS-MND describes that the length of the retaining wall would be approximately 160 feet, as measured within Appendix B, Geotechnical Report. As noted within the plans, added stability would be provided via an approximate 25 feet of stabilization wing wall extending west of the primary retaining wall, and an

approximate 205 foot long, 4-foot-high debris wall included above the retaining wall to further protect the reach of development.

### **Response 18.29**

The commenter asserts the retaining wall height deviation should not be granted, despite camouflage and apparent reduced visibility from PCH.

The City retains full discretion to approve or deny any requested variances. Approval of Variance No. 18-031 would allow for wall height to be granted in excess of six feet in height, as noted within Section 1.4, *Project Approvals*. Comments regarding aspects of the project that do not specifically relate to CEQA review will be included in decision maker deliberations.

### **Response 18.30**

The commenter inquires on the visual impact of the retaining wall from various locations on the Malibu Pier.

The IS-MND assesses visual impacts from Malibu Pier and a variety of surrounding public viewing areas, including the beach, PCH, and the Pacific Ocean. The proposed new motel and associated retaining wall would be similar in size, bulk, and scale to existing structures to the east and west, in addition to noting that it would be designed to step back into the hillside. Additionally, it is noted that the project would not include alterations to Malibu Pier, as the existing surface parking lot is not identified as contributing to the historic setting of the pier. Please see Section 4.1, *Aesthetics*, Impact A-B discussion for further assessment information.

### **Response 18.31**

The commenter inquires how far west bound traffic will be backed up because of construction during Saturdays and in the summer.

The IS-MND thoroughly describes potential impacts associated with haul truck traffic associated with the Project, including possible disruption of traffic flows along PCH. Specific distances of potential traffic backups cannot be determined, and would be speculative under the scope of a CEQA assessment. Traffic volumes, intersection operation, and approval requirements are all assessed within the IS-MND, specifically within Section 4.17, *Transportation*. Though not specifically necessary under CEQA, intersections in the area are all operating at LOS A or B, indicating acceptable traffic flow. It is noted within Section 4.17, *Transportation*, Impact C discussion that construction would not add a significant number of trips to the project site, review and approval of an Encroachment Permit from Caltrans would be required, and the absence of significant curves would provide a safe means of transportation access.

### **Response 18.32**

The commenter asks what source of information the IS-MND used to establish that the site would not support substantial cultural resources and dismissing the potential for cultural resources due to possible past wave action.

The IS-MND thoroughly describes potential impacts to cultural resources and provides the information source at the end of the sentence noted by the commenter, cited as Appendix B, which is the document's

Geological Reports. Appendix B includes existing setting information, including the underlying coastal sediment, overall slope erosion, and other underlying geology. It should be noted that wave action was provided as an example of what “coastal processes” could include, based on the underlying sediment, and was not specifically stated as the reason for potential lack of cultural resources. In support of the potential for cultural resources, the IS-MND discloses that the project site is located within a region that has a history of habitation by the Chumash and Tongva tribal populations, and that there is the potential for unanticipated encounters with tribal cultural resources. Consultation with local tribes was held to solicit additional information, which is further considered within Section 4.5, *Cultural Resources*, and Section 4.18, *Tribal Cultural Resources*. Accordingly, the IS-MND includes three mitigation measures (MM TCR-1, -2, and -3) beyond the City’s standard existing conditions of approval.

### **Response 18.33**

The commenter states that a supporter of Slow Growth asserts a Chumash burial site was found and excavated at a nearby site, and that additional artifacts and burials have been found within the area east of Malibu Creek at various times. The commenter includes a question on the extent of research conducted in preparation of the IS-MND.

The IS-MND includes a review of the site’s existing setting in compliance with CEQA, including cultural resources. Despite multiple meetings with local tribe representatives, the sites indicated by the commenter could not be corroborated and are not listed in either City or State resources. Following additional due-diligence review, no archaeological reports have been presented for properties immediately adjacent to the subject property, and those further away in the general vicinity did not require higher than a Phase 1 review, further indicating a lack of significant findings. See Response 18.32 for a summary of the research conducted to establish the CEQA baseline, and please note the City conditions of approval, which stem from the City’s Local Coastal Plan/Land Use Plan, and three mitigation measures (MM TCR-1, -2, and -3) required of the project to avoid potentially significant impacts to cultural resources with implementation of the project.

### **Response 18.34**

The commenter raises a concern that the proposed onsite water treatment system (OWTS) will be able to perform for the life of the project, considering that a hookup to the Civic Center Wastewater Treatment Facility may occur within the next 8 years.

The proposed OWTS is designed to last for the life of the Project and far beyond the potential window to connection to the Civic Center Wastewater Treatment Facility, due to meeting the requirements of the Malibu Plumbing Code, Los Angeles Regional Water Quality Control Board Resolution No. R4-2009-007, and the LCP. The IS-MND notes that the proposed OWTS may need to be abandoned shortly, considering the potential for future connection to the Civic Center Wastewater Treatment Facility within ten years. Please see IS-MND Section C, *Onsite Wastewater Treatment System*, Section 1.4, *Project Approvals*, Section 4.10, *Hydrology and Water Quality*, and Section 4.19, *Utilities and Service Systems*, for extensive discussion on the required approvals and analysis regarding the efficacy of the proposed OWTS.

### **Response 18.35**

The commenter raises a concern about the proximity of the groundwater table and associated potential for brackish or fresh water to enter the system.

The area's groundwater table would not affect the proposed OWTS. The project site and associated septic infrastructure would be located at approximately 20 feet above sea level, above the underlying coastal groundwater table and any potential influence of brackish or fresh water. Please see IS-MND Section 4.10, *Hydrology and Water Quality*, and Section 4.19, *Utilities and Service Systems*, for further discussion on the required approvals and analysis regarding the efficacy of the proposed OWTS.

### **Response 18.36**

The commenter raises concerns about what may happen from an inadequately designed septic system.

The IS-MND thoroughly address potential impacts of the proposed OWTS including those to groundwater. The Project proposes an adequate septic system (Appendix B), and will not result in potentially significant impacts to water quality or utilities, as noted within Section 4.10, *Hydrology and Water Quality*, and Section 4.19, *Utilities and Service Systems*. The IS-MND notes potential impacts of an inadequately designed leach field within Section 4.10, *Hydrology and Water Quality*, including potential groundwater or ocean water pollution impacts. However, the IS-MND also notes these impacts would be avoided due to the multi-phase treatment implemented by the system and associated permitting requirements, which includes detailed calculations and requirements that – among other considerations – the septic system be large enough to accommodate the proposed project.

### **Response 18.37**

The commenter raises a concern with the City's Standard Conditions of Approval regarding private sewage disposal system covenant notification requirements to new owners, and states that this requirement should necessitate an EIR for this project's use of an OWTS.

The City's standards for the OWTS have been subject to extensive regulatory agency review and reflect measures needed to protect groundwater quality. The City's covenant notification requirement for private sewage disposal systems is not a project-specific requirement, and does not effect the proposed efficacy of the system. Please see Section 4.10, *Hydrology and Water Quality*, and Section 4.19, *Utilities and Service Systems*, for discussion of the extensive City requirements necessary of the proposed OWTS. Comments regarding topics outside the scope of CEQA review, such as those regarding the City's Standard Conditions of Approval, will be included in decision-maker deliberations.

### **Response 18.38**

The commenter argues the loss of public parking for visitors to the Malibu Pier will be significant and unmitigable, and states this is not acknowledged in the IS-MND.

The IS-MND thorough discusses potential impacts associated with the loss of coastal access parking. As discussed in the IS-MND, the project's development of a paid private parking lot would provide adequate and required parking, and would not result in the loss of existing public parking. The project site is currently operated as a private parking lot where the public is allowed to park for a fee, and the project would include a total of 24 parking spaces for Malibu Inn under a JUPA, as required. Malibu Inn's parking is currently addressed at the site through a JUPA, as described in the IS-MND. Further, the Project complies with MMC requirements for parking as described in Section 1.3, *Project Description* of the IS-MND. The Project would provide 47 parking spaces, as detailed in Table 2, Proposed Parking Program. Per MMC requirements and the JUPA, one parking space is required for every 50 sf of the restaurant's service area

that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 spaces that are required from the adjacent Malibu Inn property. Additionally, per MMC Section 17.48.030 – Specific Parking Requirements – one parking space for each lodging unit (keyed room) is required, totaling 20 spaces, in addition to one space for the average, per-shift number of employees. As a result, the Project is required to provide a minimum of 47 parking spaces to be consistent with MMC requirements. Additionally, stacked parking within the subterranean garage – if implemented – would provide additional overflow parking spaces as necessary for the property.

### **Response 18.39**

The commenter inquires what percentage of motel rooms would be low-income accommodations.

The IS-MND did not identify potential significant impacts to land use or zoning consistency. The proposed Project is not required to supply low-income accommodations. Please refer to Section 4.11, *Land Use and Planning*, and Section 4.14, *Population and Housing*, for further discussion on land use consistency and low-income population considerations.

### **Response 18.40**

The commenter raises a concern of the existing JUPA and total required parking spaces, noting the restaurant use and outdoor tent use. Additionally, the commenter inquires which motel personnel will occupy the employee parking spaces and the number of employees between the Malibu Inn and Aviation Nation shop.

With approval of JUPA No. 18-001, the Project is in compliance with the proposed JUPA and associated parking requirements. Under the project's JUPA, the land use of the adjacent Malibu Inn is being updated to entirely retail with no restaurant, which reduces the total parking requirements, and reduces the potential for bands, outdoor tents, or other entertainment onsite. Additionally, the parking spaces allocated to motel employees will include those associated with cleaning, receptionist, and other hospitality-related roles. Please see Section 1.4, *Project Approvals*, and associated analysis within Section 4.17, *Transportation*, for further discussion.

### **Response 18.41**

The commenter questions whether the motel and inn parking will be valet parking or self-serve.

Valet capabilities would be subject to the property operator and would be a service that could be provided by the motel operator, though the difference between valet parking versus self-serve would not affect CEQA conclusions as contained within the IS-MND. For further information on valet capabilities, please note descriptions and discussion contained within Section I, *Construction and Staging*, and within Section 4.17, *Transportation*.

### **Response 18.42**

The commenter asserts stacked parking is required under the project, and raises concerns about installing stacked parking at a later date, which could affect future parking disruptions.

Stacked parking is not required to fulfill parking requirements. Descriptions of stacked parking and its potential inclusion in the project is noted within Table 1, *Proposed Development Plan*, which notes “Proposed stacked parking may be utilized to provide additional parking above MMC requirements”, Section A, *Project Design*, and Section B, *Access and Parking*, which states, “Stacked parking space numbers have not been enumerated but would be additive to the minimum surface parking requirements of the MMC”. Please see Comment Response 18.40 for additional information on the site’s requirements in relation to the proposed JUPA. Additionally, the project description does not assume stacked parking would be added at a later date, and delayed construction is not assumed as part of this Project. As such, future parking disruptions are not anticipated.

### **Response 18.43**

The commenter asserts stacked parking will result in evacuation delays, and that the subterranean parking as proposed is a safety hazard due to occupants retrieving their cars in the event of an emergency. The commenter requests an EIR to further assess the danger.

The proposed subterranean garage does not exacerbate existing hazards during an emergency nor disrupt emergency vehicle access. As further discussed within Section 4.15, *Public Services*, the project is required to comply with the Los Angeles County Fire Code (Title 32) regarding access requirements for the proposed project and design standards for fire prevention and access, including consideration for emergency plans and evacuation routes. As discussed within Section 4.20, *Wildfire*, the project is designed with throughput access from PCH to the Malibu Inn parking lot, allowing for adequate fire department access via the improved driveway access radius, and that the Project would not impair adopted emergency evacuation plans. As stated in Section 1.4, *Project Approvals*, the Los Angeles County Fire Department (LACFD) will need to approve the final project plans for safety and access. During LACFD review, fire-specific and evacuation-specific parameters will be assessed, which may eliminate the proposed parking, or increase underground parking ventilation, or other site-specific adjustments. No CEQA-specific hazards regarding underground parking were identified during review.

### **Response 18.44**

The commenter implies inadequate parking would be available in the case that potential valet parking or stacked parking is implemented, particularly associated with employee parking.

Please refer to Comment Response 18.40, 18.41, and 18.42 for information on these topics.

### **Response 18.45**

The commenter raises a concern that handicap parking stalls may affect the total number of needed or required parking spaces.

The Project provides the necessary number of handicap parking stalls. The number of handicap parking stall required is derived from the requirements of MMC Section 17.48.030, *Specific Parking Requirements*. Please refer to Section B, *Access and Parking*, for additional information on the project’s required parking.

### **Response 18.46**

The commenter requests clarification on the number of parking spaces required for employees.

The average number of employees per shift would be 3 employees onsite. The associated number has been updated throughout the document to reflect this value.

### **Response 18.47**

The commenter raises concern with the loss of parking on weekend and summer days for pier and beach parking, and requests an EIR to further assess this topic.

Please refer to Comment Response 18.38 and 18.40 for information on this topic.

### **Response 18.48**

The commenter states there is traffic on this strip of PCH, with traffic movement problems during rush hour and during the summer. The commenter raises a concern that additional visitors to the project site would exacerbate this problem, and that it may affect evacuation routes and emergency response times. The commenter requests an EIR to further assess this topic.

The project would not add a significant number of vehicle miles traveled to the project site and vicinity, as detailed within Section 4.17, *Transportation*. The site currently holds a parking lot, which supports a limited number of trips to the site under existing conditions. It is disclosed that the Project would increase VMT compared to this existing setting. Under CEQA, due to the project's location on the State Highway System, vehicle miles traveled (VMT) is used for impact analysis purposes, overseen by Caltrans. As a project with a motel land use, it is anticipated to generate approximately 68 average daily trips (ADT), which is well below the threshold of 110 trips per day set by Caltrans that would signify a significant impact. Traffic conditions were noted that may affect evacuation routes and response times, though the Project would not specifically conflict with an adopted evacuation plan or route. Additionally, as the increase in trips are not considered significant, the overall traffic conditions would not be significantly impacted from implementation of the Project or on a cumulatively considerable basis. Please refer to Section 4.17 for additional analysis associated with safety and traffic flow that acknowledges local traffic throughput and potential impacts, of which were found less than significant.

### **Response 18.49**

The commenter asserts wildfire impacts are inadequately assessed by the MND, stating that the fuel modification plan is insufficient and that the wind-driven effect of embers from wildfires were not taken into account.

The IS-MND includes sufficient assessment of wildfire impacts, included within Section 4.20, *Wildfire*, Section 4.9, *Hazards and Hazardous Materials*, and Section 4.15, *Public Services*. The vegetation, or lack thereof, surrounding the project site is described, specifically in its relation to the potential for wildfire effects. The historic Woolsey Fire and the effects of wind are included within the document, including consideration for the Santa Ana winds, noting that these effects can contribute to the spread of wildfire. Prevailing wind directions are assessed, and the site's location within a Very High fire hazard safety zone are considered. Compared to the existing setting, the Project would not exacerbate the existing potential hazards from wildfire, particularly following LACFD approval. Finally, the site is within the service area of the nearest fire station and would not necessitate an expansion of fire-related public services to the site.

## **Response 18.50**

The commenter asserts cumulative impacts are not adequately addressed by the MND, particularly regarding traffic congestion and regional development.

The IS-MND addresses cumulative impacts in numerous sections of the document, in compliance with CEQA and best planning practices. To summarize, cumulatively considerable air quality pollutants are addressed in Section 4.3, *Air Quality*, and Section 4.8, *Greenhouse Gas Emissions*, including those criteria included within SCAQMD's CEQA guidance. Water quality impacts from the project site and surrounding development is cumulatively considered within Section 4.10, *Hydrology and Water Quality*, notably for the potential for surface water quality pollution from other parking lot and building drainage. Surrounding development and cumulative conditions are considered within 4.17, *Transportation*, addressing street flow and congestion. Utilities and wastewater facility potential impacts are addressed within Section 4.19, *Utilities and Service Systems*, and fire service capability to accommodate regional development is considered within Section 4.20, *Wildfire*. Additional sections also consider the CEQA required existing setting, including consideration for surrounding development and projects, culminating in the review within Section 4.21, *Mandatory Findings of Significance*, which summarizes and concludes potential impacts of the project on a cumulatively considerable basis, including those to noise, traffic, cultural resources, wildlife species, and more. Please also see Comment Responses 18.31 and 18.48.

## **Response 18.51**

The commenter asserts there is insufficient parking for the project site.

Please refer to Comment Responses 18.38 through 18.42 for responses to this topic.

## **Response 18.52**

The commenter raises a concern of traffic, rush hour traffic, backed up intersections, and gridlocked traffic.

Please refer to Comment Responses 18.31, 18.48, and 18.50 for responses to this topic.

## **Response 18.53**

The commenter asserts cumulative impacts are not adequately addressed by the MND, and are being piecemealed through.

Please refer to Comment Response 18.50 for cumulative impact response information. Regarding piecemealing, the scope of the IS-MND includes this Project and consideration for cumulative impacts in the region, following best available information in compliance with CEQA. The IS-MND contains input from successive rounds of technical review, consideration for the Project at a regional scale, includes consultation periods, and public input, and does not directly connect to another project that may suggest piecemeal adoption. Comments that do not directly pertain to the analysis will be included in decision maker deliberations.

### **Response 18.54**

The commenter asserts an EIR is required due to substantial evidence that an effect may be significant, particularly those associated with traffic.

The IS-MND did not identify any potentially significant impacts that would not be reduced to a less than significant level through the use of proposed mitigation. Traffic impacts were found as less than significant following accepted VMT thresholds and consideration for local policy such as an analysis of LOS. If the Project had exceeded these thresholds, an EIR would be required, however none were triggered. Please see Comment Responses 18.31, 18.48, and 18.50 for responses to this topic in addition to the analysis contained within the MND, particularly Section 4.17, *Transportation*.

### **Response 18.55**

The commenter asserts the number of variances indicate an EIR is required to ensure consistency.

There is no threshold for the number of variances associated with a Project required to trigger an EIR. As noted in Section 1.4, *Project Approvals*, and throughout the MND, approval of each variance would be required to ensure project consistency. With variance approvals, certain land use and resource-specific impacts would be avoided, particularly those related to aesthetic or geologic review. Variance approval requires extensive review and, in the case of this project, extensive geotechnical review for safety and geologic stability, which has been conducted over the past years. As no potentially significant impacts were identified, with approval of the MND, an EIR would not be required under CEQA.

### **Response 18.56**

The commenter asserts parking impacts are glossed over in the ND.

The IS-MND adequately addresses parking. Please see Comment Responses 18.38 through 18.42 for associated responses on this topic.

### **Response 18.57**

The commenter raises a concern that the amount of excavation would result in destabilization and the location of potential cuts are questionable.

The Project would not result in slope destabilization. Extensive review has been conducted from a geotechnical perspective. Please see Comment Responses 18.18, 18.19, 18.21, and 18.23 for additional discussion on these topics, in addition to Section 4.7, *Geology and Soils*, and Section 4.9, *Hazards and Hazardous Materials*, of the MND, and Appendix B for further information and review from the geotechnical reports.

**From:** [Suzannah Owens](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** Malibu Inn Project Comment  
**Date:** Wednesday, March 17, 2021 10:52:19 AM

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To Whom it May Concern,

19.1 I am emailing regarding the current Malibu Inn project. The city is in dire need of more hotel rooms and I believe this will be a great improvement to the empty parking lot that is currently there.

I think this project will be a great asset to the city and I look forward to referring family members from out of town.

Best,  
Suzannah

City of Malibu

**Malibu Inn Motel Project**

Responses to Comments on the Draft Initial Study Mitigated Negative Declaration

## **Letter 19**

**Commenter:** Suzanne Owens

**Date:** March 17, 2021

### **Response 19.1**

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The comment notes support for the Project's component of additional hotel rooms in the City and conversion of the parking lot to the Project's proposed use. Comments regarding support for the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [Judy Ettinger](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** Proposed Malibu Inn Motel, 22959 PCH., Malibu  
**Date:** Thursday, March 18, 2021 3:22:35 PM

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Dear Adrian:

20.1 After reading about the new proposed hotel for Malibu, called The Malibu Inn Motel, I would like to bring up the point that a 20 room motel would be a great fit for Malibu, since it would be considered more of a boutique hotel. I really liked the design, with the use of the exterior wood, it looks like it would blend nicely into the current landscaping.

I do agree that we need a new hotel and new growth in Malibu, it has been long over due. I have a lot of relatives that come from out of town that would really enjoy a pool with a restaurant, especially in that location with the view of Malibu and the Ocean. I look forward to having a new hotel for my friends and family to come visit Southern California.

## **Letter 20**

**Commenter:** Judy Ettinger, Malibu resident

**Date:** March 17, 2021

### **Response 20.1**

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The comment notes support for the Project's addition of 20 rooms to the City, and notes the design with exterior wood will blend well with the existing landscaping. Comments regarding support for the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [Mark Dempster](#)  
**To:** [Adrian Fernandez](#)  
**Cc:** [Kim Dempster](#)  
**Subject:** Opposition to Proposed Project at 22959 Pacific Coast Highway  
**Date:** Thursday, March 18, 2021 3:07:58 PM  
**Attachments:** [Screen Shot 2021-03-16 at 11.26.39 AM.png](#)  
[MalibuInnMotel\\_PublicDraft\\_202102171547271450.pdf](#)

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Hello Ms. Fernandez,

21.1

We are residential owners at 23006 Pacific Coast Highway (across the street, approximately in between Jack-in-the-Box and Aviator Nation and directly next door to the Malibu Pier).

Let me start by saying that a new hotel would be a net positive to Malibu generally and this neighborhood specifically. However, as proposed, we are diametrically opposed to any aspect of this project. In fact, we oppose a project that's even half this scale and impact. What we do support is a project that is not a square inch larger than the Surfrider Hotel and one that follows every single letter of the code without a single variance, just as the Surfrider abided by with their renovation.

21.2

Our view is that the owner and the architect of 22959 PCH actually don't want this project, as proposed. We believe they are doing nothing more than playing a game with the City of Malibu. That game is to submit a set of basic drawings that reflects a maximum footprint, per the square footage of the lot, and ask for every variance under the sun to make that proposal achievable from an engineering and construction standpoint. But, our suspicion is that the owner and the architect know full well that there's zero chance of approval of this proposal, are expecting to get pushed back to a more achievable and desirable project, but one that still got a number of variances granted by the city.

The owner and architect could have followed a more neighborly and measured process in drafting their first proposal. But, for their conscious game playing, we ask that the city put this project through the gauntlet of following proper protocol.

Specifically, we ask that the city not grant this project

the requested variances:

21.2

1. Non-Exempt grading in excess of 1,000 cubic yards per acre of commercial development (asking to export 12,255 cubic yards as reference)
2. Construction on slopes steeper than 2.5 to 1
3. Surface parking beyond the required front yard setback
4. Retaining walls in excess of six feet in height (asking for a 52.5ft all wall above the subterranean parking garage as reference)

Furthermore, we ask the city insist that this project not deviate from the following:

21.3

- **EIR** - The City has indicated in this Staff Report and Proposed Adoption that the project satisfies a Negative Mitigated Declaration ("NMD") as opposed to requiring a full Environmental Investigation Report ("EIR"). Based on the scale of this project, request for numerous variances and obvious disruption to natural environment disruption and risks and construction hurdles, this should obviously. Refer to Pg3 to get an understanding on the EIR requirement vs NMD requirement.

21.4

- **EIR Risks Not Listed** - On page 20 they only list "Noise" and "Geology/Soils" as items of Risk. However they should also be checking Aesthetics due to the natural hillside landscape, Air Quality through Construction with that much earth movement and dust, Biological, Land/Use Planning, Hydrology/Water Quality due to Subterranean Parking

21.5

- **Construction & Subterranean Parking** - The creation of subterranean parking and a 55ft tall retaining wall should create a massive amount of heavy duty construction through the use of foundation piles that will create major earth vibration and sound during the course of construction. Approving an enormously large wall and subterranean parking would create a significant impact to the existing landscape and residential well being and creating a new precedent for Malibu.

21.6

- **Retaining Wall, Construction on Slope, Non**

21.6  
Cont.

**Exempt Grading Variances** - If you refer to the graphic below, you will see how much land is being proposed to be removed from the mountain which is quite enormous and will trigger environmental and stability issues. This project is requesting major variances and should be considered within the more suitable flat land, versus carving into the mountainside.

21.7

- **Height of Elevator Bulkhead** - In Malibu, a maximum building height can be 24' or 28' with a pitched roof. As you can see in this plan the height to the roof bulkhead of the elevator is 44'-1" which is significantly taller than the allotted requirement. As a note, we were building a similar elevator to take guests to our roof deck and we would've been at 29' due to the nature of the elevator shaft, but also lower than our existing roof line. We were denied and ended up having to build one elevator that goes from the ground to second floor and another ADA lift from the 2nd floor to the roof deck. Thereby this is another "variance / ask" that seems to be out of place and should be scrutinized.

My contact information is below should you have the need for any follow-up.

Thank you for your consideration.

Mark & Kim Dempster

Mark Dempster



## **Letter 21**

**Commenter:** Mark and Kim Dempster, Malibu Property Owner

**Date:** March 17, 2021

### **Response 21.1**

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The comment notes support for the Project's addition of a new hotel to Malibu generally and this neighborhood specifically. Comments regarding support for the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response 21.2**

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The commenter includes opposition to all aspects of the Project that require approval of a City variance. The comment includes requests of the City to not grant the project the variances for non-exempt grading, construction on steeper slopes, surface parking within the required front yard setback, and retaining walls in excess of six feet in height.

The Project includes requests for approval of associated variances, and overall Project approval is contingent on stated variance approval. Please see Section 4.7, *Geology and Soils*, Section 4.13, *Noise*, Section 4.17, *Transportation*, and Section 4.1, *Aesthetics*, for assessments of the concerns raised. All analyses found less than significant impacts, and general comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

### **Response 21.3**

The commenter asserts that the IS-MND is insufficient and that an Environmental Impact Report is warranted due to natural environment disruption, risks, and construction hurdles.

The IS-MND addresses natural environment disruption, risks, and construction hurdles; please see Comment Response 17.2 for further discussion on this topic.

### **Response 21.4**

The commenter asserts that, in addition to "Noise" and "Geology/Soils" marked as potentially affected in IS-MND Section 3, *Environmental Factors Potentially Affected*, the resource sections "Aesthetics", "Air Quality", "Biological Resources", "Land Use and Planning", and "Hydrology/Water Quality" should also be marked as potentially significant.

The IS-MND addresses potentially significant impacts; please see Comment Response 17.3 for further discussion on this topic.

## **Response 21.5**

The commenter raises concern associated with the construction of the Project's proposed subterranean parking and retaining wall, including earth vibration, earth stability, and requests vibration monitors, and expresses concern for subterranean parking in close proximity to the beachfront.

The IS-MND addresses Project construction of the retaining wall, earth vibrations, and subterranean features; please refer to Comment Response 17.4 for further discussion on this topic.

## **Response 21.6**

The commenter raises concerns regarding the Project's proposed retaining wall, construction on slopes, and associated variances.

The proposed Project would be subject to both City and State regulations regarding public safety, slope stability and construction methods; please refer to Comment Response 17.5 for further discussion on this topic.

## **Response 21.7**

The commenter states that the building height would exceed that of the City's requirements, specifically that the City allows buildings up to 28 feet with a pitched roof, and that the IS-MND cross section indicates an elevator height of 44 feet and 1 inch.

The Project would be in compliance with the City's requirements, with approval of SPR No. 18-025; please refer to Comment Response 17.6 for further discussion on this topic.

**From:** [nicholas eliopoulos](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** proposed motel for 22959 PCH  
**Date:** Thursday, March 18, 2021 4:44:59 PM

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Dear Mr. Fernandez,

I would like to express my support for the proposed motel across from the Malibu pier at 22959 PCH.

The motel would be a welcome addition to Malibu. I am a native Angeleno and have lived in Malibu.

22.1 When friends and family visit they always comment on the lack of nice lodging in Malibu.

It is such a beautiful place and Malibu very much needs more quality lodging.

The rendering shows a design that is beautiful and fits in so nicely with Malibu.

The motel is perfectly located across from the pier and beach.

There is a traffic light across from the motel which makes crossing to the pier and beach easily accessible.

The project seems to be extremely well planned and includes subterranean and grade level parking.

Having more lodging in Malibu will help alleviate the often-unwelcomed airbnb use.

I would enjoy patronizing a motel like this for myself and my visiting friends and family and to enjoy another dining

choice in Malibu. I was very excited to see this proposed motel and very much support the project.

Sincerely,

Nick Eliopoulos

City of Malibu

**Malibu Inn Motel Project**

Responses to Comments on the Draft Initial Study Mitigated Negative Declaration

## **Letter 22**

**Commenter:** Nick Eliopoulos, Los Angeles resident

**Date:** March 17, 2021

### **Response 22.1**

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The comment states support for the Project particularly the expansion of additional overnight accommodation. Comments regarding support for the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

**From:** [Paul Astin](#)  
**To:** [Adrian Fernandez](#)  
**Cc:** [Mark Dempster](#); [Alexander Astin](#); [uclagrad96@yahoo.com](mailto:uclagrad96@yahoo.com)  
**Subject:** Initial Study No. 20-003, Mitigated Negative Declaration No. 20-003, Coastal Development Permit No. 09-067, Variance Nos. 18-029, 18-030 and 18-031, Site Plan Review No. 18-025, Conditional Use Permit No. 18-002, and Joint Use Parking Agreement No. 18-001  
**Date:** Thursday, March 18, 2021 10:53:54 PM

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Dear Mr. Fernandez,

I, Paul Astin, Trustee of the Astin Family Trust, the owner of 23034 PCH hereby join in and adopt in full the objections made by Mark Dempster at [23006 PCH, Malibu, CA](#) regarding the proposed developments across the street from our home.

23.1

We are extremely concerned on the impact this development as proposed will have on our home and community.

Please do not hesitate to contact me with any questions.

Please also confirm you have received my email at your earliest convenience.

Sincerely,

Paul Astin  


## **Letter 23**

**Commenter:** Paul Astin, Trustee of Astin Family Trust

**Date:** March 17, 2021

### **Response 23.1**

The commenter expresses concern of impacts that could occur from the implementation of the Project, and specifically refers to the objections made by Mark Dempster regarding the development proposed across the street from their home. Please refer to the responses within Letter #21, which contains those of Mark and Kim Dempster. Additionally, comments that include general opposition to the project will be included within the public record and available to decision-makers for planning and policy consideration.

**From:** [REDACTED]  
**To:** [Adrian Fernandez](#)  
**Cc:** [Mark Dempster](#); [Kim Dempster ICE](#)  
**Subject:** Initial Study No. 20-003, Mitigated Negative Declaration No. 20-003, Coastal Development Permit No. 09-067, Variance Nos. 18-029, 18-030 and 18-031, Site Plan Review No. 18-025, Conditional Use Permit No. 18-002, and Joint Use Parking Agreement No. 18...  
**Date:** Thursday, March 18, 2021 10:21:00 PM

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Dear Mr. Fernandez,

I Robert J. Allan, Trustee of the Malibu Property Trust U/D/T 12/14/00, the owner of 23018 PCH hereby hereby join in and adopt in full the objections made by Mark Dempster at 23006 PCH, Malibu, CA.

24.1

We are extremely concerned on the impact this development as proposed will have on our home and community.

Please do not hesitate to contact me with any questions.

Please also confirm you have received my email at your earliest convenience.

Regards,

Robert J. Allan

## **Letter 24**

**Commenter:** Robert Allan, Malibu Property Owner

**Date:** March 17, 2021

### **Response 24.1**

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The commenter expresses concern of impacts that could occur from the implementation of the proposed Project, and specifically refers to the objections made by Mark Dempster regarding the proposed Project. Please refer to the responses within Letter #21, which contains those of Mark and Kim Dempster. Additionally, comments that include general opposition to the project will be included within the public record and available to decision-makers for planning and policy consideration.

**From:** [Roni Serrato](#)  
**To:** [Adrian Fernandez](#)  
**Subject:** Opposition to Proposed Project at 22959 Pacific Coast Hwy  
**Date:** Thursday, March 18, 2021 5:05:29 PM

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Hello Ms. Fernandez,

I am the residential owner at 23038 Pacific Coast Highway (across the street and one of the six houses next door to the Malibu Pier).

I am opposed to any aspect of this project. In fact, I oppose a project that's even half this scale and impact. What I do support is a project that is not a square inch larger than the Surfrider Hotel and one that follows every single letter of the code without a single variance, just as the Surfrider abided by with their renovation.

25.1

MY view is that the owner and the architect of 22959 PCH actually don't want this project, as proposed. We believe they are doing nothing more than playing a game with the City of Malibu. That game is to submit a set of basic drawings that reflects a maximum footprint, per the square footage of the lot, and ask for every variance under the sun to make that proposal achievable from an engineering and construction standpoint. But, our suspicion is that the owner and the architect know full well that there's zero chance of approval of this proposal, are expecting to get pushed back to a more achievable and desirable project, but one that still got a number of variances granted by the city.

The owner and architect could have followed a more neighborly and measured process in drafting their first proposal. But, for their conscious game playing, we ask that the city put this project through the gauntlet of following proper protocol.

Specifically, we ask that the city not grant this project the requested variances:

1. Non-Exempt grading in excess of 1,000 cubic yards per acre of commercial development (asking to export 12,255 cubic yards as reference)

25.1  
Cont

2. Construction on slopes steeper than 2.5 to 1
3. Surface parking beyond the required front yard setback
4. Retaining walls in excess of six feet in height (asking for a 52.5ft all wall above the subterranean parking garage as reference)

Furthermore, we ask the city insist that this project not deviate from the following:

25.2

- **EIR** - The City has indicated in this Staff Report and Proposed Adoption that the project satisfies a Negative Mitigated Declaration ("NMD") as opposed to requiring a full Environmental Investigation Report ("EIR"). Based on the scale of this project, request for numerous variances and obvious disruption to natural environment disruption and risks and construction hurdles, this should obviously. Refer to Pg3 to get an understanding on the EIR requirement vs NMD requirement.

25.3

- **EIR Risks Not Listed** - On page 20 they only list "Noise" and "Geology/Soils" as items of Risk. However they should also be checking Aesthetics due to the natural hillside landscape, Air Quality through Construction with that much earth movement and dust, Biological, Land/Use Planning, Hydrology/Water Quality due to Subterranean Parking

25.4

- **Construction & Subterranean Parking** - The creation of subterranean parking and a 55ft tall retaining wall should create a massive amount of heavy duty construction through the use of foundation piles that will create major earth vibration and sound during the course of construction. Approving an enormously large wall and subterranean parking would create a significant impact to the existing landscape and residential well being and creating a new precedent for Malibu.

25.5

- **Retaining Wall, Construction on Slope, Non Exempt Grading Variances** - If you refer to the graphic below, you will see how much land is being proposed to be removed from the mountain which is quite enormous and will trigger environmental and stability issues. This project is requesting major variances and should be considered within the more suitable

25.5  
cont

I flat land, versus carving into the mountainside.

25.6

- **Height of Elevator Bulkhead** - In Malibu, a maximum building height can be 24' or 28' with a pitched roof. As you can see in this plan the height to the roof bulkhead of the elevator is 44'-1" which is significantly taller than the allotted requirement. As a note, we were building a similar elevator to take guests to our roof deck and we would've been at 29' due to the nature of the elevator shaft, but also lower than our existing roof line. We were denied and ended up having to build one elevator that goes from the ground to second floor and another ADA lift from the 2nd floor to the roof deck. Thereby this is another "variance / ask" that seems to be out of place and should be scrutinized.

If you need to contact me 

Sincerely,  
Roni Serrato

## **Letter 25**

**Commenter:** Roni Serrato, Malibu Property Owner

**Date:** March 17, 2021

### **Response 25.1**

#### **Response 25.1**

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The commenter includes opposition to all aspects of the Project that require approval of a City variance. The comment includes requests of the City to not grant the Project the variances for non-exempt grading, construction on steeper slopes, surface parking beyond the required front yard setback, and retaining walls in excess of six feet in height.

The Project includes requests for approval of associated variances, and overall Project approval is contingent on stated variance approval. Please see Comment Response 21.2 for further discussion on this topic.

#### **Response 25.2**

The commenter asserts that the IS-MND is insufficient and that an Environmental Impact Report is warranted due to natural environment disruption, risks, and construction hurdles.

The IS-MND addresses natural environment disruption, risks, and construction hurdles; please see Comment Response 17.2 for further discussion on this topic.

#### **Response 25.3**

The commenter asserts that, in addition to “Noise” and “Geology/Soils” marked as potentially affected in IS-MND Section 3, *Environmental Factors Potentially Affected*, the resource sections “Aesthetics”, “Air Quality”, “Biological Resources”, “Land Use and Planning”, and “Hydrology/Water Quality” should also be marked as potentially significant.

The IS-MND addresses potentially significant impacts; please see Comment Response 17.3 for further discussion on this topic.

#### **Response 25.4**

The commenter raises concern associated with the construction of the Project’s proposed subterranean parking and retaining wall, including earth vibration, earth stability, and requests vibration monitors, and expresses concern for subterranean parking in close proximity to the beachfront.

The IS-MND addresses Project construction of the retaining wall, earth vibrations, and subterranean features; please refer to Comment Response 17.4 for further discussion on this topic.

## **Response 25.5**

The commenter raises concerns regarding the Project's proposed retaining wall, construction on slopes, and associated variances.

The proposed Project would be subject to both City and State regulations regarding public safety, slope stability and construction methods; please refer to Comment Response 17.5 for further discussion on this topic.

## **Response 25.6**

The commenter states that the building height would exceed that of the City's requirements, specifically that the City allows buildings up to 28 feet with a pitched roof, and that the IS-MND cross section indicates an elevator height of 44 feet and 1 inch.

The Project would be in compliance with the City's requirements, with approval of SPR No. 18-025; please refer to Comment Response 17.6 for further discussion on this topic.