Council Agenda Report

City Council Meeting
07-22-26
Item 1.A.

To: Mayor Silverstein and Honorable Members of the City Council

Prepared by: Adam Pisarkiewicz, Contract Planner

Reviewed by: Yolanda Bundy, Community Development Director
Tyler Eaton, Assistant Community Development Director

Approved by: Joseph D. Irvin, City Manager
Trevor Rusin, Interim City Attorney

Date prepared: June 12, 2026 Meeting Date: July 22, 2026

Subject: Appeal of Planning Commission Resolution No. 25-62 Regarding Coastal Development Permit No. 23-040 and CUP No. 21-008 (22800 Pacific Coast Highway, APN 4452-004-032; Owner, Carbon Investments; Appellant, Bill Sampson for Malibu Township Council)

RECOMMENDED ACTION: Either: 1) Adopt Resolution No. 26-48 (Exhibit A) denying Appeal (AP) No. 25-009 (Exhibit B), determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 23-040 and Conditional Use Permit (CUP) No. 21-008 for a change of use from an existing, non-conforming multi-family residential use to a conforming, commercial visitor-serving motel use and the utilization of the existing, vacant commercial structure as an ancillary motel manager's office located in the Commercial Visitor Serving-One (CV-1) zoning district at 22800 Pacific Coast Highway (PCH) (Carbon Investments); or 2) Direct staff to bring back a resolution consistent with the City Council's decision.

FISCAL IMPACT: There is no direct fiscal impact associated with the recommended action other than regular operations from the Community Development Department. Transient Occupancy Tax (TOT) generated from an approved motel at this site would be similar to what is already being generated from this site as it currently hosts nine permitted Short Term Rental (STR) units that would be converted to nine motel rooms.

STRATEGIC PLAN IMPLEMENTATION: N/A.

DISCUSSION: The matter is an appeal of the Planning Commission's approval of CDP No. 23-040 and CUP No. 21-008 (CDP/CUP), an application for a change of use from an existing, non-conforming multi-family residential use to a conforming, commercial visitor-serving motel use and the utilization of the existing, vacant commercial structure as an ancillary motel manager's office. The appellant, Bill Sampson, representing the Malibu Township Council, (a group of residents appealing this application, refer to Exhibit B), subsequently filed an appeal of the Planning Commission's decision to approve the project (Exhibit C – Resolution No. 25-62).

Project Background

According to the Los Angeles County Tax Assessor's Office, the structures on the subject parcel were originally constructed in 1955. On December 12, 1986, the Los Angeles (LA) County Department of Regional Planning (County Planning) issued the last comprehensive site plan for the subject parcel. The 1986 site plan contained the existing residential buildings with nine approved rental units, the existing commercial building, and compliant parking for the commercial and residential uses per LA County standards. The spaces were approved under County Planning standards for parking space dimensions and turning radius widths. The units were approved as rental units and not individually-owned condominiums.

Subsequent to 1986, the landscaping areas and parking lot underwent modifications without the benefit of City-issued permits. These modifications resulted in added landscaping, altered vehicle ingress and egress, and reduced the number of parking spaces onsite compared to the 1986 site plan.

On May 9, 2023, the Planning Division approved Administrative Plan Review (APR) No. 22-017 to address the unpermitted landscape installation and reconfigured parking. The approved APR allowed the parcel to revert to the 1986 configuration, required the removal of unpermitted landscaping, and ensured parking spaces were provided onsite. The APR also required that the parking layout complied with the Americans with Disabilities Act (ADA). The scope of work approved by the APR has been started but not yet completed. As part of the APR approval, all existing outdoor lighting must be Dark Sky compliant and the applicant has already completed the lighting upgrade.

The existing structures and site improvements were legally constructed via the approved 1986 site plan. Structures and site improvements that are properly permitted may remain even if the MMC and LIP change so long as they are continuously maintained as provided for in LIP Section 13.5 and MMC Chapter 17.60 (Nonconforming Structures and Uses).

In conjunction with APR No. 22-017, an outdoor lighting application was submitted to the City for new outdoor lighting fixtures, per the requirements of Malibu Municipal Code (MMC) Chapter 17.41 (Dark Sky Ordinance). On January 26, 2023, the Planning Division

approved Outdoor Lighting Review (OLR) No. 22-011 to bring existing exterior lighting into compliance with the City's Dark Sky Ordinance.

The vacant commercial structure was previously occupied by a restaurant (La Salsa), which was a conforming use in the CV-1 zone, but has remained vacant since the restaurant's closing in 2015. The dwelling units began to be utilized as Short Term Rentals in 2015 with all nine units being used as STRs by 2022. All nine units received STR permits per MMC Chapter 17.55 and the property owner has operated them without receiving complaints. None of the units are being used as typical long-term multi-family residential housing.

The proposed project was originally scheduled to be presented to the Planning Commission on August 7, 2023, but the Commission continued the item to a date uncertain after it received a comment letter from the California Coastal Commission (Exhibit G) requesting an analysis of Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 12.10 (New Luxury Overnight Accommodations) which requires the applicant to prepare a Room Rate Analysis. The applicant submitted the Room Rate Analysis in April 2025 (Attachment 4 of Exhibit E). The proposed project was subsequently scheduled for the December 1, 2025 Planning Commission meeting. The Planning Commission agenda reports are attached hereto as Exhibits D and E.

Project Overview

The subject property is a developed beachfront parcel totaling approximately 0.3 acre in size, consisting of two multi-family buildings oriented along the coast and one vacant commercial building with an approximate 22-foot statue[1] fronting PCH. The project proposes a change of use for the subject property which includes the existing non-conforming multi-family buildings to a motel[2] use which is a conditionally permitted use in the CV-1 zone. The applicant has not requested, nor does the CDP/CUP authorize any structural alterations, construction, additions, or demolition to the subject property, expansion of the existing onsite wastewater treatment system (OWTS), or expansion of existing shoreline protection. The two buildings contain a total of nine residential units, each of which is proposed to be converted into a motel room. The proposed motel's management, maintenance, and housekeeping services would be provided by contracted third-party providers that are currently servicing the existing STR use of the residential units. The existing, vacant commercial building is proposed to be utilized as the motel manager's office and the existing statue would remain as-is. Together, the CDP/CUP are required by the LIP and MMC to authorize the change of use. No new development is proposed or required as part of the CDP/CUP.

Figure 1: Aerial Photograph of Subject Property



Source: City GIS

[1] The freestanding statue has existed since the early 1960s and was formerly associated with Foster Freeze prior to La Salsa.

[2] LIP §2.1 defines a motel as "a facility offering transient lodging accommodations to the public in a group of attached or detached buildings containing guest rooms, some or all of which have a separate entrance leading directly from the outside of the building to automobile parking space conveniently located on the lot or parcel of land, does not provide accessory uses such as restaurants or meeting rooms, and not otherwise open to the public.

The change of use from multi-family residential to commercial visitor-serving motel does not trigger any associated provisions of California Government Code 66300, et al., related to 'no net loss' in residential capacity or consequently impact the City's 6th Cycle Housing Element in a negative way. The proposed project is not a legislative change that reduces the capacity for housing in the City or an action that would reduce and/or eliminate existing affordable housing in the Coastal Zone for persons and families of low and moderate incomes. The subject parcel is not a Regional Housing Needs Assessment (RHNA) housing inventory site in the City's 6th Cycle Housing Element and the proposed project is not a housing development that would require replacement of demolished units. As of 2015, some of the multi-family units began to be utilized as STRs with all nine units being STRs by 2022. The property owner has applied for and been issued STR permits via the City since the City's permitting program's inception in 2021. The change of use from nine STRs to nine motel rooms would continue the existing transitory lodging use of the parcel and makes it a conforming use in the CV-1 zoning district with no changes to the structures.

On December 1, 2025, the Planning Commission considered the item. After deliberation, the Planning Commission approved the project on a 4-1 vote. The December 1, 2025

agenda report, and related correspondence are attached as Exhibit E. Appeal No. 25-009 was filed on December 11, 2025 (Exhibit B). The appeal was submitted by Bill Sampson, representing the Malibu Township Council, (a group of residents appealing this application). The Planning Commission agenda report goes into greater detail regarding the project. The videos regarding the Planning Commission deliberation on the items can be found on the City's website at https://www.malibucity.org/662/Public-Meeting-Video-Archive

APPEAL TO THE CITY COUNCIL

The appellant, Bill Sampson, representing the Malibu Township Council, provided written and oral testimony during the public hearing before the Planning Commission. In the appeal, the appellant contends that the findings are not supported by the evidence, that there was a lack of fair or impartial hearing, and that the decision was contrary to law. The specific arguments are summarized below in italics. The full text of the appeal documents can be found in Exhibit B.

Appeal Item 1. The Planning Commission's approval contradicts the project description in the application.

Staff Response

The appellant claims that while the project description states that the existing vacant commercial building will be used as the motel manager's office, the appellant states that the "submitted plans incorrectly labeled the vacant structure as 'Not Included In Project Application.'" The appellant concludes that the Planning Commission nevertheless approved the project without requiring the manager's office to be staffed or used as a manager's office at all.

As the project application was solely for a change of use from a non-conforming multi-family residential use to a conforming motel use in the CV-1 zone, the project application did not include a set of development plans specific to the CDP/CUP. The plans referenced by the appellant are specific to previously approved APR No. 22-017, which reverted the parcel back to its originally approved condition per the 1986 site plan issued by County Planning and removed the unpermitted landscaping improvements and parking reconfiguration. The APR scope of work did not include any changes to the vacant commercial building and the APR plans were properly labeled that the building was not included in the project application. The APR plans were included as an attachment to the agenda report for the CDP/CUP for illustrative purposes only and to show how the subject parcel will appear once the associated APR scope of work is completed. The APR site plan was clearly identified as such in the CDP/CUP agenda report as well as the presentation given to the Planning Commission and public. The Planning Division took care to highlight the nuance with the approved APR scope and requested CDP/CUP in the agenda report and presentation. However, the appellant equated the previously

approved development and site plan for the APR with the change of use request under the CDP/CUP.

Regarding the applicant's proposal to use the vacant commercial building as a manager's office, the applicant had explained the following during the Planning Commission meeting: 1) they will have an on-site manager during daytime hours; 2) that all motel guests will have a phone number to call with any issues 24/7; and 3) that a staff member would return to the motel if needed by guests outside of staffing hours. The Planning Commission considered the applicant's explanation as sufficient and did not find reason to require conditions of approval specifying specific staffing hours of the manager's office.

Appeal Item 2. The Planning Commission's approval relied on new, material information introduced after public comment, denying the public a fair hearing.

Staff Response

The Planning Commission agenda report accurately stated that the vacant commercial building would be utilized as the on-site motel manager's office as proposed by the project applicant. Neither the LIP nor the MMC contain objective programming requirements for motels, including staffing operations or the hours in which on-site staff must be present. As such, the agenda report made no mention of the motel manager's hours as a matter of conformance review. The Planning Division found the application to provide a sufficient basis for recommending the findings to be made for the requested CDP/CUP without need conditions of approval related to staffing and the Planning Commission concurred. The City Council may consider imposing conditions related to staffing if deemed necessary and if granting approval of the project.

During Planning Commission deliberation, a Commissioner asked the applicant how many hours a day the motel manager would be on-site. The applicant responded that the manager would be on-site during normal business hours and added that the hours would be approximately 8:00 AM to 6:00 PM. The applicant also stated that there would be a 24-hour contact person that guests would have access to, should there be any issues. Later in the Planning Commission meeting, the Commission briefly discussed whether to include a condition regarding motel manager staffing hours. The Planning Commission decided not to include a condition requiring specific staffing hours, finding that the grounds for making the required CDP/CUP findings were already warranted.

The appellant contends that the applicant disclosed that the manager's office would not be staffed and disclosed this only after the Planning Commissioner raised the issue during deliberation, creating an opportunity for the applicant to avoid an operational requirement. The applicant stated that the manager's office would be staffed during normal business hours, and the Planning Commission had deliberated whether to impose a condition of approval requiring specific staffing hours but decided not to do so.

The public had notice and an opportunity to be heard and was able to speak on how the project and manager's office should operate, and any impacts of the project and suggestions for conditions to mitigate any negative impacts of the project. In addition, the City Council's review of the project is de novo and would supersede the Planning Commission's decision and any issue of notice or an opportunity to be heard will be cured by the opportunity of the public, applicant and appellant to comment and present at the City Council meeting. The Planning Commission meeting was fair and impartial and appropriate notice and opportunity to be heard was provided.

Appeal Item 3. The Planning Commission approved a motel with no requirement for on-site management, leaving the use functionally indistinguishable from an unhosted Short-Term Rental compound, and violating R1 occupancy commercial codes, etc. Therefore, the proposed project is not the least environmentally damaging alternative.

Staff Response:

The California Building Code's R-1 occupancy standards do not contain any requirements for on-site motel managers. Consequently, there is no Building Code violation associated with the Planning Commission's decision not to impose on-site manager staffing hours as a condition of approval or part of its findings. During the Planning Commission meeting, the applicant stated there will be an on-site manager during normal business hours, approximately from 8:00 AM to 6:00 PM, as well as a 24-hour contact person available for guests.

Further, the LIP does not contain any requirement for on-site management for a motel use, nor does it prescribe objective criteria related to staffing requirements for motels. The criteria for which the LIP stipulates the use of a motel is found in LIP Section 2.1 (Definitions) which reads: *"MOTEL - A facility offering transient lodging accommodations to the public in a group of attached or detached buildings containing guest rooms, some or all of which have a separate entrance leading directly from the outside of the building to automobile parking space conveniently located on the lot or parcel of land, does not provide accessory uses such as restaurants or meeting rooms, and not otherwise open to the public."*

The proposed motel provides non-luxury lodging accommodations in the City's CV-1 zone. This is confirmed in the applicant's provided Room Rate Analysis as required for proposed overnight accommodations pursuant to LIP Section 12.10 (New Luxury Overnight Accommodations) (Attachment 4 of Exhibit E). The existing use on the subject parcel is multi-family residential which is a non-conforming use in the CV-1 zone. Motels are a conditionally permitted use in the CV-1 zone meaning it is allowed but requires a CUP. The project proposes to change the primary use of the parcel from a non-conforming residential use in the CV-1 zone to a conforming commercial visitor service use in the CV-1 without any need for any development or expansion on a beachfront parcel. It should be noted that this site is within a commercial corridor near the Malibu Pier and Carbon Beach

where other hotel/motels currently reside, and the project is expected to assimilate with existing development in the area. All existing facilities are sufficient for the proposed use, including the OWTS and shoreline protection. As proposed, the requested change of use was found to be protective of coastal resources by utilizing onsite development and to further the goals of the LCP by providing overnight accommodations in the CV-1 zone and changing a nonconforming use into a conforming use that matches the Malibu General Plan's design for the location.

Further, no alternative was specified by the appellant, let alone one that demonstrated an environmental impact that would be lessened by its adoption. As a result, the proposed project was recommended by the Planning Division and found by the Planning Commission to be the least environmentally damaging alternative.

Appeal Item 4. The Planning Commission's approval adopted a supervisory standard below what is expected for commercial transient lodging, despite motels being more intensive visitor-serving uses in Malibu.

Staff Response

As previously described in the response to Appeal Item 2, the Planning Commission had the opportunity to include a condition of approval requiring specific staffing hours be included in the CDP/CUP but decided such a condition was not required in order to make the required findings.

Neither the LIP nor the MMC contain objective programming requirements for motels, including staffing operations or the hours in which on-site staff must be present. The appellant contends that that the Planning Commission "adopted a supervisory standard less protective than what applies to residential Short-Term Rentals". MMC Chapter 17.55 (Short-Term Rentals) does not contain specific on-site staffing requirements for STRs. The only related provision is in MMC Section 17.55.020.A.(5) which states, *"The owner's agent, with access to the dwelling unit and authority to fix any problems or violations of this chapter, must be available 24 hours a day, seven days a week, at a phone number provided to both the City and any guest staying at the property to answer a call from the City, an agent authorized by the City to make such calls or a guest when there is a guest renting the property."*

The application specifies that the vacant commercial building would be used as an on-site motel manager's office. The applicant also stated that the office would be staffed during normal business hours and there would be a 24-hour contact number for guests. The Planning Commission's approval follows all applicable provisions of the LCP and MMC as all required findings were made in support of the CDP pursuant to LIP Section 13.9 and CUP pursuant to MMC Section 17.66.090. As approved, there is no evidence that the Planning Commission adopted a supervisory standard below what is required for

commercial transient lodging in the LCP or MMC, let alone evidence that demonstrates the findings are not supported by the evidence or that the project would be contrary to law.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Commission has analyzed the project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Similarly, Staff recommends that the Council also find that the proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15301(e), (l) - Existing Facilities, 15303(d), (e) - New Construction or Conversion of Small Structures, and 15304(b) - Minor Alterations to Land, and that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

PUBLIC CORRESPONDENCE: No correspondence has been received since the appeal was filed.

PUBLIC NOTICE: On June 18, 2026, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and public notice was mailed to the owners and occupants of all properties within a radius of 500 feet of the subject property (Exhibit F).

EXHIBITS:

A. Resolution No. 26-48
B. Appeal No. 25-009
C. Adopted Resolution No. 25-62
D. 2023 Planning Commission Agenda Report with Attachments, including Correspondence
E. 2025 Planning Commission Agenda Report with Attachments including Room Rate Analysis, and Correspondence
F. Notice of Public Hearing
G. California Coastal Commission letter date, July 17, 2023

RESOLUTION NO. 26-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, DENYING APPEAL NO. 25-009, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 23-040 AND CONDITIONAL USE PERMIT NO. 21-008 FOR A CHANGE OF USE FROM AN EXISTING NON-CONFORMING MULTI-FAMILY RESIDENTIAL USE TO A CONFORMING, COMMERCIAL VISITOR-SERVING MOTEL USE AND THE UTILIZATION OF THE EXISTING, VACANT COMMERCIAL STRUCTURE AS AN ANCILLARY MOTEL MANAGER'S OFFICE, LOCATED IN THE COMMERCIAL VISITOR SERVING-ONE ZONING DISTRICT AT 22800 PACIFIC COAST HIGHWAY (CARBON INVESTMENTS)

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

SECTION 1. Recitals.

A. On September 17, 2021, an application for Conditional Use Permit (CUP) No. 21-008 was submitted to the Planning Division by the applicant, Pacific Coast Management, LLC, on behalf of the property owners, Carbon Investments, for the change of use. The application was routed to the City Environmental Health Administrator for review. Coastal Development Permit (CDP) No. 23-040 was later added to the project because it includes a change in land use.

B. On October 27, 2021, Planning Division staff conducted a site visit to document the existing conditions.

C. On February 1, 2023, the CUP application was deemed complete for processing.

D. On May 9, 2024, APR 22-017 was approved by the Planning Director to remove unpermitted parking area alterations and revert the parking area and landscaping back to its originally approved condition per the last approved site plan via Los Angeles County in 1986.

E. On June 22, 2023, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

F. On July 17, 2023, the Planning Commission continued the public hearing on the subject application to the August 7, 2023 meeting of the Planning Commission.

G. On August 7, 2023, the Planning Commission continued the item to a date uncertain.

H. On July 10, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

I. On August 4, 2025, the Planning Commission continued the item to a date uncertain.

J. On November 6, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

K. On December 1, 2025, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record, and adopted Planning Commission Resolution No. 25-62.

L. On December 11, 2025, Appeal No. 25-009 was filed by a resident group.

M. On June 18, 2026, a Notice of City Council Public Hearing was published in the newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

N. On July 22, 2026, the City Council held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the City Council has analyzed the proposed project. The City Council has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Similarly, Staff recommends that the Council also find that the proposed project is categorically exempt from the provisions of CEQA according to CEQA Guidelines Section 15301(a) - Existing Facilities. The City Council has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Appeal of Action.

The appellant contends that the Planning Commission's decision is based on the findings or conditions not supported by evidence, or the decision is not supported by the findings, and the decision was contrary to law. Based on the evidence in the record, including as detailed below, in the agenda report, the materials submitted, and at the hearings on the matter, the City Council has determined that the project does conform to the findings required by the Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC), and denies the appeal. The Council finds that the evidence supports the findings and is consistent with the City's past application of the applicable provisions of the LCP Local Implementation Plan (LIP).

The Council also finds the conditions proposed by the appellant lack nexus with existing LIP and MMC standards and are not required in order to make the findings to approve the project. The appellant has also not provided substantial evidence to support its claims, or that the requested conditions are legal, appropriate, or otherwise required. In addition:

1. The appellant claims that while the project description states that the existing vacant commercial building will be used as the motel manager's office, the appellant states that the "submitted plans incorrectly labeled the vacant structure as 'Not Included In Project Application'".

The appellant concludes that the Planning Commission nevertheless approved the project without requiring the manager's office to be staffed or used as a manager's office at all. As the project application was solely for a change of use from a non-conforming multi-family residential use to a conforming motel use in the Commercial Visitor Serving-1 (CV-1) zone, the project application did not include a set of development plans specific to the CDP/CUP. The plans referenced by the appellant are specific to previously approved Administrative Plan Review (APR) No. 22-017, which reverted the parcel back to its originally approved condition per the 1986 site plan issued by County Planning and removed the unpermitted landscaping improvements and parking reconfiguration. The APR scope of work did not include any changes to the vacant commercial building and the APR plans were properly labeled that the building was not included in the project application. The APR plans were included as an attachment to the agenda report for the CDP/CUP for illustrative purposes only and to show how the subject parcel will appear once the associated APR scope of work is completed. The APR site plan was clearly identified as such in the CDP/CUP agenda report as well as the presentation given to the Planning Commission and public. The Planning Division took care to highlight the nuance with the approved APR scope and requested CDP/CUP in the agenda report and presentation. However, the appellant mistakenly equated the previously approved development and site plan for the APR with the change of use request under the CDP/CUP. Regarding the applicant's proposal to use the vacant commercial building as a manager's office, the applicant had explained the following during the Planning Commission meeting: 1) they will have an on-site manager during daytime hours; 2) that all motel guests will have a phone number to call with any issues 24/7; and 3) that a staff member would return to the motel if needed by guests outside of staffing hours. The Planning Commission considered the applicant's explanation as sufficient and did not find reason to require conditions of approval specifying specific staffing hours of the manager's office.

2. The Planning Commission agenda report accurately stated that the vacant commercial building would be utilized as the on-site motel manager's office as proposed by the project applicant. Neither the LIP nor the MMC contain objective programming requirements for motels, including staffing operations or the hours in which on-site staff must be present. As such, the agenda report made no mention of the motel manager's hours as a matter of conformance review. The Planning Division found the application to provide a sufficient basis for recommending the findings to be made for the requested CDP/CUP without need for conditions of approval related to staffing. Approximately one hour after the public hearing was closed by the Planning Commission Chair, during Planning Commission deliberation, a Commissioner asked the applicant how many hours a day the motel manager would be on-site. The applicant responded that the manager would be on-site during normal business hours and added that the hours would be approximately 8:00 AM to 6:00 PM. The applicant also stated that there would be a 24-hour contact person that guests would have access should there be any issues. Later in the Planning Commission meeting, the Commission briefly discussed whether to include a condition regarding motel manager staffing hours. The Planning Commission decided not to include a condition requiring specific staffing hours as the grounds for making the required CDP/CUP findings were already warranted. The appellant contends that the applicant disclosed that the manager's office would not be staffed and disclosed this only after the Planning Commissioner raised the issue during deliberation, creating an opportunity for the applicant to avoid an operational requirement. However, both of the applicant's contentions are incorrect. The applicant stated that the manager's office would be staffed during normal business hours, and the Planning Commission had ample opportunity to impose a condition of approval requiring specific staffing hours but decided not to do so. The public had notice and an opportunity to be heard, and was able to speak on how the project and the manager's office should operate, and any impacts of the project and suggestions

for conditions to mitigate any negative impacts of the project. In addition, the City Council's review of the project is de novo and would supersede the Planning Commission's decision and any issue of notice or an opportunity to be heard will be cured by the opportunity of the public, applicant, and appellant to comment and present at the City Council meeting. The Planning Commission meeting was fair and impartial and appropriate notice and opportunity to be heard was provided.

3. The California Building Code's R-1 occupancy standards do not contain any requirements for on-site motel managers. Consequently, there is no Building Code violation associated with the Planning Commission's decision not to impose on-site manager staffing hours as a condition of approval or part of its findings. During the Planning Commission meeting, the applicant stated there will be an on-site manager during normal business hours, approximately from 8:00 AM to 6:00 PM, as well as a 24-hour contact person available for guests. Further, the LIP does not contain any requirement for on-site management for a motel use, nor does it prescribe objective criteria related to staffing requirements for motels. The criteria for which the LIP stipulates the use of a motel is found in LIP Section 2.1 (Definitions) which reads: "MOTEL - A facility offering transient lodging accommodations to the public in a group of attached or detached buildings containing guest rooms, some or all of which have a separate entrance leading directly from the outside of the building to automobile parking space conveniently located on the lot or parcel of land, does not provide accessory uses such as restaurants or meeting rooms, and not otherwise open to the public." The proposed motel provides non-luxury lodging accommodations in the City's CV-1 zone. This is confirmed in the applicant's provided Room Rate Analysis as required for proposed overnight accommodations pursuant to LIP Section 12.10 (New Luxury Overnight Accommodations) (Exhibit D). The existing use on the subject parcel is multi-family residential which is a non-conforming use in the CV-1 zone. Motels are a conditionally permitted use in the CV-1 zone meaning it is allowed but requires a CUP. The project proposes to change the primary use of the parcel from a non-conforming residential use in the CV-1 zone to a conforming commercial visitor service use in the CV-1 without any need for any development or expansion on a beachfront parcel. All existing facilities are sufficient for the proposed use, including the OWTS and shoreline protection. As proposed, the requested change of use was found to be protective of coastal resources by utilizing onsite development and to further the goals of the LCP by providing overnight accommodations in the CV-1 zone and changing a nonconforming use into a conforming use that matches the Malibu General Plan's design for the location. Further, no alternative has been specified by the appellant, let alone one that demonstrated an environmental impact that would be lessened by its adoption. As a result, the proposed project was recommended by the Planning Division and found by the Planning Commission to be the least environmentally damaging alternative.

4. As previously described in the response to Appeal Item 2, the Planning Commission had ample opportunity to include a condition of approval requiring specific staffing hours be included in the CDP/CUP, but decided such a condition was not required in order to make the findings. Neither the LIP nor the MMC contain objective programming requirements for motels, including staffing operations or the hours in which on-site staff must be present. The appellant contends that the Planning Commission "adopted a supervisory standard less protective than what applies to residential Short-Term Rentals" is not accurate. MMC Chapter 17.55 (Short-Term Rentals) does not contain specific on-site staffing requirements for STRs. The only related provision is in MMC Section 17.55.020.A.(5) which states, "The owner's agent, with access to the dwelling unit and authority to fix any problems or violations of this chapter, must be available 24 hours a day, seven days a week, at a phone number provided to both the City and any guest staying at the property to

answer a call from the City, an agent authorized by the City to make such calls or a guest when there is a guest renting the property." The application specifies that the vacant commercial building would be used as an on-site motel manager's office. The applicant also stated that the office would be staffed during normal business hours and there would be a 24-hour contact number for guests. The Planning Commission's approval follows all applicable provisions of the LCP and MMC as all required findings were made in support of the CDP pursuant to LIP Section 13.9 and CUP pursuant to MMC Section 17.66.090. As approved, there is no evidence that the Planning Commission adopted a supervisory standard below what is required for commercial transient lodging in the LCP or MMC, let alone evidence that demonstrates the findings are not supported by the evidence or that the project would be contrary to law. The project complies with the requirements of the LCP and MMC. Based on the record at the public hearing, the City Council has found that the findings and conditions are supported by the preponderance of the evidence and that the decision is supported by the findings, that there was a fair and impartial hearing, and that the decision was not contrary to law. Thus, the Council denies the appeal and approves the project.

SECTION 4. Coastal Development Permit Findings.

Based on the evidence contained within the record (including the analysis, findings of fact, and conclusions set forth by staff in the Council Agenda Report and Planning Commission Agenda Reports, as well as the testimony and materials considered by the Planning Commission and City Council), and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP), including Sections 13.7(B) and 13.9, and the Malibu Municipal Code (MMC), the City Council makes the findings of fact below, and approves CDP No. 23-040 and CUP No. 21-008 for the change of use from an existing, nonconforming multi-family residential use to a conforming, commercial visitor-serving motel use and the utilization of the existing, vacant commercial structure as an ancillary motel manager's office on a property located in the CV-1 zoning district located at 22800 Pacific Coast Highway (PCH).

The project is consistent with the LCP's zoning. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. Coastal Development Permit Findings (LIP Chapter 13)

CDP No. 23-040 would authorize a change in use from multi-family residential with nine units to a commercial visitor-serving motel with nine guest rooms and an ancillary motel manager's office. No other conditionally allowed uses in the CV-1 zone are authorized by this CDP.

1. The proposed project has been reviewed for conformance with the LCP by the Planning Division and the Environmental Health Department. The proposed project, as conditioned, conforms to the certified City of Malibu LCP in that it meets all the required zoning standards.

2. The subject parcel is located between the first public road and the sea. The project does not propose any construction or alterations to the existing structures. Therefore, there are no impacts to public access or recreation by the project. LIP Section 12.10 states the City may approve new luxury overnight visitor accommodations if the evidence shows that the project provides a component of lower cost overnight visitor accommodations, such as a campground, Recreational

Vehicle park, hostel, or lower cost hotel or motel rooms. The LIP requires the applicant to provide lower cost overnight accommodations consisting of 15 percent of the number of luxury overnight accommodations that are approved. Luxury overnight accommodations are defined as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu. The applicant provided a Room Rate Analysis which analyzed the average nightly room cost of the six existing hotels/motels within the City of Malibu by sourcing the rates of each room on the same dates in January 2025 and July 2025 using both weekday and weekend rates. The analysis established the average room rate of the six hotels/motels to be $1,004 per night and an overall median cost of $616 per night. Based on the established median rate of 120% and per the definition of "luxury overnight accommodations", a nightly rate must be a minimum of $740 to fall into such category. The applicant states that the proposed motel on the subject property will have an average nightly room rate of $415 which is well below the 120% median. Therefore, the proposed motel does not qualify as a luxury overnight accommodation, and the requirements of LIP Section 12.10 do not apply. As such, the proposed project conforms to the public access and recreation policies of Chapter 3 for the Coastal Act of 1976.

3. The proposed project consists of a change of use from multi-family residential to a motel. The proposed motel use is a conditionally permitted use in the CV-1 zone. The proposed project does not consist of any construction or alteration to the existing structures. The change of use does not present potentially significant impacts to coastal resources or environmentally damaging impacts due to no proposed changes to the existing structures.

B. Conditional Use Permit Findings (MMC Chapter 17.66)

CUP No. 21-008 would permit the conversion of the existing multi-family residential use with nine units to a commercial visitor-serving motel with nine guest rooms and an ancillary motel manager's office. No other conditionally allowed uses in the CV-1 zone are authorized by this CUP.

1. Per MMC Section 17.26.030.C, a motel is a conditionally permitted use in the CV-1 zone. The requested CUP will enable the conversion of the existing nonconforming residential units that are primarily being used as nightly Short-Term Rentals (STRs), to a conforming visitor-serving motel. The proposed project has been reviewed for conformance with the MMC and LCP by the Planning Division and City Environmental Health Administrator. The proposed project complies with all applicable provisions of the MMC and LCP including in LIP Chapter 3 (Zoning) and other relevant sections of the LIP including LIP Section 12.10 (Public Access) and LIP Chapter 18 (OWTS).

2. The proposed motel use is compatible with the uses in the vicinity of the subject property, including retail, restaurants, the Malibu Pier, as well as other motels, hotels, and multi-family residential development. The existing residential units on the subject property have been utilized as permitted STRs since 2021, in accordance with the applicable requirements of MMC Chapter 17.55. The CUP request will bring the use of the property into conformance with the visitor-serving intent of the CV-1 zone. The CUP request does not include alterations to the structure. The motel use will therefore conform with the intent of the CV-1 zone and surrounding environment because the primary use of the property would continue to be affordable visitor-serving overnight accommodations.

3. The subject property is a beachfront property located along PCH with nearby restaurants, retail, motels, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development. Existing utilities that serve the subject property are located within the PCH right-of-way. The site is physically suitable for the proposed use as it contains the required amount of parking.

4. The property's surrounding neighborhood contains a variety of uses including hospitality and visitor-serving commercial uses, and multi-family residential uses. Further west of the property are Malibu Pier and Surfrider Beach, which are prominent tourism locations in the city. The proposed motel use is compatible with the surrounding uses and will provide support for the existing visitor-serving uses in the surrounding area.

5. As discussed in Finding 4, the proposed use is compatible with the existing land uses within the CV-1 zone and surrounding commercial zones. Future land uses in the general area surrounding the subject property are expected to retain their current commercial and visitor-serving uses given the surrounding zoning districts. The intent of the CV-1 zone is to provide commercial and visitor-serving uses that serve residents, local visitors, and out-of-town visitors alike. Therefore, the proposed motel use is compatible with the existing and future land uses within the CV-1 zone and the surrounding area.

6. The existing multi-family structures contain adequate provisions for water, sanitation, and public utilities and services. The proposed motel use will have no greater impact on the water supply, sanitation, public utilities and/or services in comparison to the existing use and the proposed change in use would not constitute an intensification on the site and in no way be detrimental to public health and safety.

7. Access to the subject property is from PCH. The public, as well as emergency vehicles would enter and exit via existing curb cuts for the entrance and exit along PCH. Therefore, there are adequate provisions for public access to serve the subject parcel.

8. The request for a conditionally-permitted motel use on the subject property is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan. The General Plan defines the CV-1 zone as providing visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Visitor serving uses such as motels and hotels shall be consistent with compatible accessory uses, shall protect the surrounding properties, shall ensure safe traffic circulation and shall promote economically viable visitor serving areas of the City.

The project is consistent with the following land use (LU) policies of the General Plan:

> LU Policy 3.2.1: The City shall permit the development of commercial recreational and visitor servicing facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking and, when feasible, are located where existing low cost recreational uses will be enhanced.
>
> LU Policy 4.1.2: The City shall encourage redesign and adaptive reuse of existing structures.

LU Implementation Measure 67: Require a commercial planned development permit for any commercial development or change of use of existing development to assure compliance with current codes to enhanced and upgrade the environment of the commercial areas.

LU Policy 6.1.1: The City shall use development standards and procedures that protect the property owners' reasonable use of their land consistent with the goals and policies of this General Plan.

The proposed visitor-serving motel use supports the General Plan's objective to permit the development of commercial visitor-serving facilities at suitable locations. The motel would contribute to the visitor-serving areas for use by tourists. The property will not be physically altered by the conditionally-permitted motel use. Therefore, the proposed motel use is in alignment with the General Plan's objective for visitor-serving facilities in suitable locations and to limit development impacts on the City's natural and environmental resources.

9. Motels are a conditionally permitted use in the CV-1 zoning district. The project has been reviewed by the Planning Division and the City Environmental Health Administrator. As discussed herein, based on the submitted reports, project plans, visual analysis and site investigation, the project, as conditioned, complies with all applicable requirements of State and local law.

10. The conditionally-permitted motel use will be a compatible visitor-serving use in the immediate area for tourists and residents, particularly with the adjacent existing commercial uses, Malibu Pier and Surfrider Beach. The proposed use does not involve changes to the physical character of the property nor increase the intensity of use. Therefore, the motel use would not be detrimental to the public interest, health, safety, convenience or welfare.

11. The proposed project does not involve any further development of the property. Therefore, the proposed project is not at risk from earth movement, flooding, liquefaction, or other potential hazards.

SECTION 5. City Council Action.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves CDP No. 23-040 and CUP No. 21-008, subject to the following conditions in Section 6.

SECTION 6. Conditions of Approval.

Standard Conditions

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

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
    a. Change of use from an existing multi-family residential use with nine units to a commercial visitor-serving motel (as defined in LIP §2.1) with nine guest rooms and an ancillary motel manager's office.
    b. No development is approved.
    c. No onsite food or alcohol service is approved.

3. Except as specifically changed by conditions of approval, the authorized use must be operated in substantial conformance with the approved scope of work.

4. The operation of the authorized use shall comply with all conditions of approval stipulated in this Resolution.

5. This permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes, and returns the Acceptance of Conditions Affidavit for Recordation accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Division within 30 days of this decision or prior to issuance of any subsequent permits from the City.

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

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

8. All development shall conform to the requirements of the City of Malibu Environmental Sustainability Division and City Environmental Health Administrator as applicable. Notwithstanding this review, all required permits shall be secured.

9. Minor changes to the conditions of approval may be approved by the Community Development Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code.

10. The property owner must submit payment for all outstanding fees payable to the City prior to commencement of the conditionally permitted use.

Site-Specific Conditions

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

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

13. No other new signage is permitted under this application; a sign permit shall be submitted and approved by the Planning Division prior to installation of any new sign or modification of existing signage.

14. Unless exterior lighting is approved by the City, no exterior lighting is permitted under this permit.

15. Should the commercial structure fronting PCH not operate as an ancillary motel manager's office, an amendment to this CUP shall be required for any proposed change of use.

16. The Community Development Department shall inspect the Property (as needed) to verify compliance with the conditions of approval.

17. The CUP may be reviewed by the Community Development Director (or designee) and/or Planning Commission on an as-needed basis at the discretion of the Community Development Director (or designee) or Planning Commission. Should it be determined that a review is required, the Property Owners shall pay the Planning Division site inspection fee in effect at the time of request for a site inspection. A planner will conduct a site visit to verify compliance with the provisions set forth in this resolution. If necessary, the Community Development Director (or designee) will determine whether the CUP may be brought back to the Planning Commission for additional conditions to mitigate and/or prevent nuisances that were identified during the site inspection or made aware of by members of the public. Possible mitigation measures can include:
    a. Modifying the hours of operation;
    b. Incorporate noise mitigating measures / devices;
    c. Traffic safety measures;
    d. Land use intensification or reconfiguration of any shared parking (if applicable) that would result in a parking demand greater than approved under this CUP; or
    e. Other measures deemed necessary by the Planning Commission.

18. The applicant and/or property owner shall produce an annual motel room rate report submitted to the Planning Division, to the satisfaction of the Community Development Director, during the first quarter of each year. If the motel room rates rise above the stated luxury overnight accommodation threshold within LIP 12.10, the CUP shall be reevaluated by the Planning Commission at a public hearing.

19. The property owner and operator shall not use the parking lot for any use other than the uses and activities explicitly permitted for the subject parcel or as permitted by a temporary use permit or filming permit. In the event the required parking is not provided onsite, the property owner shall provide a parking plan to the satisfaction of the Community Development Director that all offsite parking has been secured. All parking for staff shall be provided onsite no matter what is occurring on the property.

20. The applicant/owner is required to submit to the Building Safety Division for the change of occupancy in the motel structures and adhere to any associated Building Code requirements related to the parking lot for the motel use approved under APR No. 22-017.

Fixed Conditions

21. The conditions under which this CUP was approved may be modified by the City without the consent of the property owner, tenant or operator if the Planning Commission finds that the use is creating a nuisance.

22. A CUP that is valid and in effect, and was granted pursuant to the provisions of the MMC, shall run with the land and continue to be valid upon change of ownership of the land or lawfully existing structure.

23. Violation of any of the conditions of approval shall be cause for revocation of the CUP and termination of all rights contained therein.

24. This CUP shall become subject to revocation should the use for which the conditional use permit was granted cease for six successive calendar months after the start of operations, except in the case of natural disaster.

25. If it has cause to believe that grounds for modification or revocation may exist, the Planning Commission shall hold a public hearing upon the question of modification or revocation of this conditional use permit pursuant to MMC Section 17.66.100(C). The CUP may be revoked if the Planning Commission finds that one or more of the following conditions exists:
    a. The CUP was obtained in a fraudulent manner.
    b. The use for which the CUP was granted has ceased or was suspended for at least six successive calendar months, absent a natural disaster.
    c. One or more of the conditions found within this resolution have not been substantially met.

SECTION 7. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 22nd day of July 2026.

BRUCE SILVERSTEIN, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

TREVOR RUSIN, Interim City Attorney

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

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the City Council's approval of the Coastal Development Permit to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

City of Malibu

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

CITY OF MALIBU
RECEIVED
DEC 11 2025
PLANNING DIVISION

PLANNING DIVISION
COASTAL DEVELOPMENT PERMIT
NOTICE OF APPEAL CHECKLIST

Actions Subject to Local Appeal: Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals), a decision or any portion of the decision of the Community Development Director may be appealed to the Planning Commission by an aggrieved person, and any decision of the Planning Commission may be appealed to the City Council by an aggrieved person.

Deadline and Fees: Pursuant to LIP Section 13.20.1, an appeal shall be filed with the City Clerk within 10 days following the date of action for which the appeal is made, as indicated in the decision. If the tenth day falls on a weekend or a City-recognized holiday, the deadline shall extend to the close of business at City Hall on the first business day (whether whole or partial) following the weekend or a City-recognized holiday. Appeals shall be accompanied by the filing fee of $750 as specified by the City Council.

To perfect an appeal, the form must be completed, together with all the necessary attachments, and must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23825 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Development and Operations Manager, at (310) 456-2489, extension 245.

Appeal No. 25-009

Part I. Project Information

1. What is the file number of the Coastal Development Permit you are appealing?
   CDP 23-040 CUP 21-008, 22800 PCH
2. On what date was the decision made which you are appealing?
   DEC 1/25
3. Who made the decision you are appealing?

   ☐ Community Development Director ☒ Planning Commission

4. What is the address of the project site at issue?
   22800 PCH

Exhibit B

Part II. Appeal Summary

1. Indicate your interest in the decision by checking the appropriate box.

   ☐ I am the Applicant for the project

   ☐ I am the neighbor

   ☑ Other (describe)
   MALIBU TOWNSHIP COUNCIL

2. If you are not the applicant, please indicant the applicant's name:
   CARBON INVESTMENTS

3. Indicate the nature of your appeal.

   a) Are you appealing the ☑ approval or ☐ the denial of the application or ☐ a condition of approval?

   b) Each approval is accompanied by a list of specific conditions. If you are appealing one or more of the conditions of approval, list the condition number and state the grounds for your appeal. (Attach extra sheets if necessary.)

   SEE ATTACHED

4. Check the appropriate box(es) to indicate which of the following reasons forms the basis of your appeal:

   ☑ The findings or conditions are not supported by the evidence, or the decision is not supported by the findings: or

   ☑ There was a lack of fair or impartial hearing: or

   ☑ The decision was contrary to law.

   You must next provide a specific statement in support of each of the bases for appeal that you have checked above. Appeals that are stated in generalities, legal or otherwise, are not adequate. (Attach extra sheets if necessary.)

   SEE ATTACHED

Part IV. Signature and Appellant Information

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or otherwise deficient, the appeal is ineffective and the filing fee may be returned. IN ORDER TO PERFECT AN APPEAL, ALL APPEAL SUBMITTALS MUST BE COMPLETE BY THE DEADLINE. NO EXTENSIONS WILL BE ALLOWED FOR APPELLANTS WHO ONLY PARTIALLY COMPLY WITH THESE REQUIREMENTS AS OF THE DEADLINE. IF AN APPEAL IS NOT PERFECTED BY THE DEADLINE, THE DECISION BECOMES FINAL.

MALIBU TOWNSHIP COUNCIL
PRINT APPELLANT'S NAME

[redacted]
TELEPHONE NUMBER

APPELLANT'S SIGNATURE

Dec 11 | 25
DATE

Bill Sampson, President

Appellant's mailing address: PO BOX 803 MALIBU, CA 90265

Appellant's email address: info@malibutownshipcouncil.org

OFFICE USE ONLY

Action Appealed: PC Reso No. 25-62

Appeal Period: 12/2/25 - 12/11/25

Date Appeal Form and required documents submitted: 12/11/25 Received by: Rebecca Evans

Appeal Completion Date: 12/11/25 by: Rebecca Evans, Senior Management Analyst
(Name, Title)

Each coastal development permitting decision made by the Community Development Director or the Planning Commission is accompanied by written findings. The written findings set forth the basis for the decision. If you have checked the first box in this section as a ground for your appeal, you must indicate the specific finding(s) you disagree with and give specific reasons why you believe the finding(s) is/are not supported by the evidence or why the decision is not supported by the findings. Appeals stated in generalities, legal or otherwise, are not adequate. (Attach extra sheets if necessary.)

ATTACHED

Part III. Appeal Checklist

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

1. ☑ Completed Appeal Checklist (This form with appellant's signature)

2. ☑ Appeal Fee $750

   The appeal fee must be submitted in the form of a check or money order made payable to the City of Malibu. Cash will not be accepted.

3. ☑ Mailing Labels and Radius Maps for Public Notice to Property Owners and Occupants

Public Notice of an appeal must conform to the manner in which the original notice was given. The notice radius for appealable CDPs and non-appealable CDPs that do not require a public hearing is 100 feet for property owners and residents. The notice radius for non-appealable CDPs that require a public hearing is 300 feet for property owners and 100 feet for residents.

The mailing labels and radius map **must be certified** by the preparer (a form is available at the public counter): certification may not be more than six months prior to the date of submittal; the radius map must be provided on an 8½" x 11" paper; the mailing labels must be printed on 8½" x 11" paper, 3 columns, 10 rows (e.g. Avery 5160).

Civic Guardian Since 1947

Dec. 11, 2025

Honorable City Council,

Since 1947, the Malibu Township Council has advocated for responsible development that protects the rural character, environment and safety of our community.

Re: Appeal of Planning Commission Approval – La Salsa Motel (CDP 23-040, CUP 21-008)
Malibu Township Council (MTC) appeals the Planning Commission's approval of CDP 23-040 and CUP 21-008 for the proposed 9-room "La Salsa Motel" at 22800 Pacific Coast Highway.

The approval is defective and cannot make the Findings for a CDP (LIP Chapter 13) because:

- It contradicts the project description in the application.
- It relied on new, material information introduced after public comment, denying the public a fair hearing.
- It approved a motel with no requirement for on-site management, leaving the use functionally indistinguishable from an unhosted STR compound; and violating R1 occupancy commercial codes, etc. therefore NOT the least environmentally damaging alternative.
- It adopted a supervisory standard below what is expected for commercial transient lodging, despite motels being more intensive visitor-serving uses in Malibu.

For these reasons, the approval is procedurally flawed, substantively deficient, and inconsistent with Malibu's LCP requirements for safe, visitor-serving lodging.

I. THE APPLICATION DESCRIPTION VS. WHAT WAS APPROVED

1. The application expressly stated that the vacant commercial building would be converted into — and operated as — the motel's manager's office.

This was the only meaningful operational safeguard presented to the public and to MTC.

2. Staff confirmed at the hearing that—even though the submitted plans incorrectly labeled the vacant structure as "NOT INCLUDED IN PROJECT APPLICATION"—the building was in fact intended solely to function as the manager's office.

Staff acknowledged the labeling error and confirmed this use.

3. The Planning Commission nevertheless approved the project without requiring the manager's office to be staffed or used as a manager's office at all.

No condition requires:

- a manager to be present,
- any defined staffing hours,
- any emergency response protocol, or
- active use of the structure for management.

This omission contradicts the application and materially alters the project's operational character.

Unexplained Parking Surplus Underscores Operational Ambiguity

The site's parking plan retains the previously approved configuration of 14 spaces, even though the motel use requires only 10 spaces (9 guest rooms plus 1 space allocated for management or maintenance personnel). One space is explicitly designated for management, yet no manager is required to exist — making that space functionally meaningless. The remaining four surplus spaces are unassigned and unexplained. Retaining excess parking from the former restaurant use, without clarifying its purpose under the new motel use, creates ambiguity, enables undisclosed intensification, and undercuts the transparency necessary for evaluating the project's true operational impacts.

II. PROCEDURAL DEFECT: NEW MATERIAL INFORMATION INTRODUCED AFTER PUBLIC COMMENT CLOSED

A significant procedural defect occurred during the hearing.

After public public comment had closed, Commissioners asked the applicant whether the manager's office would be manned.

The applicant then disclosed, for the first time, that the manager's office **would not be staffed** — a disclosure made only after Commissioners raised the option during deliberation, effectively creating an opportunity for the applicant to avoid this operational requirement.

This new information:

- directly contradicted the application narrative;
- eliminated the only safeguard distinguishing the project from its former STR-type lodging use;
- left the operation functionally identical to an unhosted transient lodging compound;
- reduced operational costs for the applicant while shifting enforcement burdens to the City; and
- materially altered the project's safety, compatibility, and oversight implications.

Because the Commission did not reopen public comment, the public had **no opportunity** to address this new, substantive information.

The hearing was therefore not fair, not impartial, and inconsistent with quasi-judicial requirements and Brown Act fairness principles.

III. WHY AN ON-SITE MANAGER IS NECESSARY

Motel uses classified under **R-1 occupancy** or **CV-1** and regulated as visitor-serving accommodations require responsible on-site supervision to:

- respond to guest and safety issues,
- manage parking and circulation,
- enforce quiet hours and maintain orderly conduct,
- provide timely emergency response, and
- ensure compliance with fire and life-safety standards.

These are foundational obligations of transient lodging. They are not optional.

Why R-1/CV-1 Motels Require On-Site Management

Under the California Building Code, motels are **R-1 transient occupancies**, meaning they house guests who are unfamiliar with the building and therefore require heightened safety measures and **active on-site supervision**. Homes and STRs are residential (R-2/R-3) uses and do not require this level of oversight.

A motel without a manager is **not** operating as an R-1 use — it functions as an unsupervised STR compound.

This creates conditions indistinguishable from an unhosted STR cluster, undermining neighborhood compatibility, public safety, and enforceability of any conditions.

IV. THE COASTAL COMMISSION REJECTED MALIBU'S HOSTED STR ORDINANCE — YET THE PLANNING COMMISSION APPROVED AN UNHOSTED MOTEL

In 2020, Malibu adopted a Hosted STR Ordinance (Ordinance No. 472) that would have required an onsite host for STRs in single-family homes.

Because STRs implicate coastal access, the City was required to obtain certification from the California Coastal Commission (CCC) through an LCP amendment.

In 2022, the CCC denied certification, stating that prohibiting unhosted STRs in single-family homes would overly restrict coastal access by reducing the number of available units.

Critically:

- The CCC did **not** ban unhosted STRs.
- The CCC simply does not allow Malibu to require hosted STRs in residential zones.

But a **motel is not a residential use.**
It is a **commercial transient lodging facility**, regulated under R-1 occupancy and held to a higher standard of oversight, safety, and operational responsibility.
By approving a motel with **no on-site supervision**, the Planning Commission adopted a supervisory standard **less protective than what applies even to residential STRs**, despite motels being far more intensive transient uses.
In effect:
The Coastal Commission will not allow hosted STRs — yet the Planning Commission approved an unhosted motel, despite motels being R-1 transient lodging uses that require onsite management for basic safety and oversight.
Industry standards indicate that motels rent on a nightly basis, with far more frequent arrivals, departures, vehicle movements, and guest turnover than STRs. STRs typically impose two-night minimums or weekly booking patterns. As a result, the Planning Commission approved a use with higher turnover and greater operational impacts than an STR — but imposed less supervision than the City attempted to require for STRs.
The Planning Commission had a unique opportunity to make this establishment safer, better managed, and more accountable to the community — but instead chose the least restrictive and least safe path possible, resulting in an operation that is less supervised, less safe, and ultimately worse for the neighborhood than the prior condition. This reversal of logic is inconsistent with safety norms, land-use planning, and the operational assumptions of commercial visitor-serving uses.

V. DANGEROUS PRECEDENT: THIS APPROVAL ALLOWS ANY MULTI-UNIT PROPERTY TO CLAIM "MOTEL" STATUS

Approving a motel with no on-site management sets a precedent with profound implications for Malibu.
If nine detached units with bathrooms can operate as an unhosted "motel," then:

- any apartment building,
- any duplex or bungalow court,
- any cluster of guest units,

could attempt to reclassify itself as a "motel" simply by offering nightly rentals.
Such a precedent would:

- erase the operational distinction between commercial transient lodging and residential uses.
- permit widespread STR-type operations disguised as motels.
- undermine the City's land-use and enforcement framework; and
- expose neighborhoods to intense, unmanaged turnover.

The City must not allow a commercial motel to operate with less supervision than a short-term rental.

VI. REQUESTED CITY COUNCIL ACTION

MTC respectfully requests that the City Council:
1. Grant this appeal.
2. Modify or remand the approval by adding the following conditions:
A. Manager's Office Requirement.
The vacant commercial building shall be converted into — and actively used as — the motel's manager's office.
B. On-Site Management Requirement.
The operator shall provide:

- defined daily staffing hours, and
- emergency response capability consistent with transient-lodging safety standards.

C. Corrected Plans.
Revised plans labeling the structure as the manager's office must be submitted before issuance of the Coastal Development Permit.
D. Visitor-Serving Protections.
The operation shall remain in the low-cost visitor-serving category, and STR-style operation is prohibited.
E. Signage Requirement.
Clear signage identifying the property as a motel shall be installed.

VII. CONCLUSION
The approval of CDP 23-040 and CUP 21-008:

- contradicted the application's description thus findings cannot be made,
- relied on new information the public was not permitted to address,
- approved an unhosted transient lodging use with no supervision as intended with CV-1 operation,
- adopted a supervisory standard below what is appropriate for commercial CV-1 lodging, and
- set a precedent that could allow any multi-unit property to claim "motel" status.

A motel without a manager is **not** a motel.
It is an unregulated transient lodging compound, inconsistent with Malibu's policies, safety standards, and community expectations.

The City Council must correct these procedural and substantive errors.

Respectfully submitted,

Malibu Township Council

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 25-62

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 23-040 AND CONDITIONAL USE PERMIT NO. 21-008 FOR A CHANGE OF USE FROM EXISTING NON-CONFORMING MULTI-FAMILY RESIDENTIAL USE TO A CONFORMING, COMMERCIAL VISITOR-SERVING MOTEL USE AND THE UTILIZATION OF THE EXISTING, VACANT COMMERCIAL STRUCTURE AS AN ANCILLARY MOTEL MANAGER'S OFFICE ON A PROPERTY LOCATED IN THE COMMERCIAL VISITOR SERVING-ONE ZONING DISTRICT LOCATED AT 22800 PACIFIC COAST HIGHWAY (CARBON INVESTMENTS)

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

SECTION 1. Recitals.

A. On September 17, 2021, an application for Conditional Use Permit (CUP) No. 21-008 was submitted to the Planning Division by the applicant, Pacific Coast Management, LLC, on behalf of the property owners, Carbon Investments, for the change of use. The application was routed to the City Environmental Health Administrator for review. Coastal Development Permit (CDP) No. 23-040 was later added to the project because it includes a change in land use.

B. On October 27, 2021, Planning Division staff conducted a site visit to document the existing conditions.

C. On February 1, 2023, the CUP application was deemed complete for processing.

D. On June 22, 2023, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

E. On July 17, 2023, the Planning Commission continued the public hearing on the subject application to the August 7, 2023 meeting of the Planning Commission.

F. On August 7, 2023, the Planning Commission continued the item to a date uncertain.

G. On July 10, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

H. On August 4, 2025, the Planning Commission continued the item to a date uncertain.

I. On November 6, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

J. On December 1, 2025, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA according to CEQA Guidelines Section 15301(a) – Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on the evidence contained within the record, including the agenda report for the project and the hearing on August 4, 2025, and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP), including Sections 13.7(B) and 13.9, and the Malibu Municipal Code (MMC), the Planning Commission makes the findings of fact below, and approves CDP No. 23-040 and CUP No. 21-008 for the change of use from an existing, nonconforming multi-family residential use to a conforming, commercial visitor-serving motel use and the utilization of the existing, vacant commercial structure as an ancillary motel manager's office on a property located in the Commercial Visitor Serving-1 (CV-1) zoning district located at 22800 Pacific Coast Highway (PCH).

The project is consistent with the LCP's zoning. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. Coastal Development Permit Findings (LIP Chapter 13)

CDP No. 23-040 would authorize a change in use from multi-family residential with nine units to a commercial visitor-serving motel with nine guest rooms and an ancillary motel manager's office. No other conditionally allowed uses in the CV-1 zone are authorized by this CDP.

1. The proposed project has been reviewed for conformance with the LCP by the Planning Division and the Environmental Health Department. The proposed project, as conditioned, conforms to the certified City of Malibu LCP in that it meets all the required zoning standards.

2. The subject parcel is located between the first public road and the sea. The project does not propose any construction or alterations to the existing structures. Therefore, there are no impacts to public access or recreation by the project. LIP Section 12.10 states the City may approve new luxury overnight visitor accommodations if the evidence shows that the project provides a component of lower cost overnight visitor accommodations, such as a campground, Recreational Vehicle park, hostel, or lower cost hotel or motel rooms. The LIP requires the

applicant to provide lower cost overnight accommodations consisting of 15 percent of the number of luxury overnight accommodations that are approved. Luxury overnight accommodations are defined as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu. The applicant provided a Room Rate Analysis which analyzed the average nightly room cost of the six existing hotels/motels within the City of Malibu by sourcing the rates of each room on the same dates in January 2025 and July 2025 using both weekday and weekend rates. The analysis established the average room rate of the six hotels/motels to be $1,004 per night and an overall median cost of $616 per night. Based on the established median rate of 120% and per the definition of "luxury overnight accommodations", a nightly rate must be a minimum of $740 to fall into such category. The applicant states that the proposed motel on the subject property will have an average nightly room rate of $415 which is well below the 120% median. Therefore, the proposed motel does not qualify as a luxury overnight accommodation and the requirements of LIP Section 12.10 do not apply. As such, the proposed project conforms to the public access and recreation policies of Chapter 3 for the Coastal Act of 1976.

3. The proposed project consists of a change of use from multi-family residential to a motel. The proposed motel use is a conditionally permitted use in the CV-1 zone. The proposed project does not consist of any construction or alteration to the existing structures. The change of use does not present potentially significant impacts to coastal resources or environmentally damaging impacts due to no proposed changes to the existing structures.

B. Conditional Use Permit Findings (MMC Chapter 17.66)

CUP No. 21-008 would permit the conversion of the existing multi-family residential use with nine units to a commercial visitor-serving motel with nine guest rooms and an ancillary motel manager's office. No other conditionally allowed uses in the CV-1 zone are authorized by this CUP.

1. Per MMC Section 17.26.030.C, a motel is a conditionally permitted use in the CV-1 zone. The requested CUP will enable the conversion of the existing nonconforming residential units that are primarily being used as nightly Short-Term Rentals (STRs), to a conforming visitor-serving motel. The proposed project has been reviewed for conformance with the MMC and LCP by the Planning Division and City Environmental Health Administrator. The proposed project complies with all applicable provisions of the MMC and LCP including in LIP Chapter 3 (Zoning) and other relevant sections of the LIP including LIP Section 12.10 (Public Access) and LIP Chapter 18 (OWTS).

2. The proposed motel use is compatible with the uses in the vicinity of the subject property, including retail, restaurants, the Malibu Pier, as well as other motels, hotels, and multi-family residential development. The existing residential units on the subject property have been utilized as permitted STRs since 2021, in accordance with the applicable requirements of MMC Chapter 17.55. The CUP request will bring the use of the property into conformance with the visitor-serving intent of the CV-1 zone. The CUP request does not include alterations to the structure. The motel use will therefore conform with the intent of the CV-1 zone and surrounding environment because the primary use of the property would continue to be affordable visitor-serving overnight accommodations.

3. The subject property is a beachfront property located along PCH with nearby restaurants, retail, motels, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development. Existing utilities that serve the subject property are located within the PCH right-of-way. The site is physically suitable for the proposed use as it contains the required amount of parking.

4. The property's surrounding neighborhood contains a variety of uses including hospitality and visitor-serving commercial uses, and multi-family residential uses. Further west of the property are Malibu Pier and Surfrider Beach, which are prominent tourism locations in the city. The proposed motel use is compatible with the surrounding uses and will provide support for the existing visitor-serving uses in the surrounding area.

5. As discussed in Finding 4, the proposed use is compatible with the existing land uses within the CV-1 zone and surrounding commercial zones. Future land uses in the general area surrounding the subject property are expected to retain their current commercial and visitor-serving uses given the surrounding zoning districts. The intent of the CV-1 zone is to provide commercial and visitor-serving uses that serve residents, local visitors, and out-of-town visitors alike. Therefore, the proposed motel use is compatible with the existing and future land uses within the CV-1 zone and the surrounding area.

6. The existing multi-family structures contain adequate provisions for water, sanitation, and public utilities and services. The proposed motel use will have no greater impact on the water supply, sanitation, public utilities and/or services in comparison to the existing use and the proposed change in use would not constitute an intensification on the site and in no way be detrimental to public health and safety.

7. Access to the subject property is from PCH. The public, as well as emergency vehicles would enter and exit via existing curb cuts for the entrance and exit along PCH. Therefore, there are adequate provisions for public access to serve the subject parcel.

8. The request for a conditionally-permitted motel use on the subject property is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan. The General Plan defines the CV-1 zone as providing visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Visitor serving uses such as motels and hotels shall be consistent with compatible accessory uses, shall protect the surrounding properties, shall ensure safe traffic circulation and shall promote economically viable visitor serving areas of the City.

The project is consistent with the following land use (LU) policies of the General Plan:

LU Policy 3.2.1: The City shall permit the development of commercial recreational and visitor servicing facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking and, when feasible, are located where existing low cost recreational uses will be enhanced.

LU Policy 4.1.2: The City shall encourage redesign and adaptive reuse of existing structures.

LU Implementation Measure 67: Require a commercial planned development permit for any commercial development or change of use of existing development to assure compliance with current codes to enhanced and upgrade the environment of the commercial areas.

LU Policy 6.1.1: The City shall use development standards and procedures that protect the property owners' reasonable use of their land consistent with the goals and policies of this General Plan.

The proposed visitor-serving motel use supports the General Plan's objective to permit the development of commercial visitor-serving facilities at suitable locations. The motel would contribute to the visitor-serving areas for use by tourists. The property will not be physically altered by the conditionally-permitted motel use. Therefore, the proposed motel use is in alignment with the General Plan's objective for visitor-serving facilities in suitable locations and to limit development impacts on the City's natural and environmental resources.

9. Motels are a conditionally permitted use in the CV-1 zoning district. The project has been reviewed by the Planning Division and the City Environmental Health Administrator. As discussed herein, based on the submitted reports, project plans, visual analysis and site investigation, the project, as conditioned, complies with all applicable requirements of State and local law.

10. The conditionally-permitted motel use will be a compatible visitor-serving use in the immediate area for tourists and residents, particularly with the adjacent existing commercial uses, Malibu Pier and Surfrider Beach. The proposed use does not involve changes to the physical character of the property nor increase the intensity of use. Therefore, the motel use would not be detrimental to the public interest, health, safety, convenience or welfare.

11. The proposed project does not involve any further development of the property. Therefore, the proposed project is not at risk from earth movement, flooding, liquefaction, or other potential hazards.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 23-040 and CUP No. 21-008, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

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

City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
   a. Change of use from an existing multi-family residential use with nine units to a commercial visitor-serving motel (as defined in LIP §2.1) with nine guest rooms and an ancillary motel manager's office.
   b. No development is approved.
   c. No onsite food or alcohol service is approved.

3. Except as specifically changed by conditions of approval, the authorized use must be operated in substantial conformance with the approved scope of work.

4. The operation of the authorized use shall comply with all conditions of approval stipulated in this Resolution.

5. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes, and returns the Acceptance of Conditions Affidavit for Recordation accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Division within 30 days of this decision or prior to issuance of any subsequent permits from the City.

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

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

8. All development shall conform to the requirements of the City of Malibu Environmental Sustainability Division and City Environmental Health Administrator as applicable. Notwithstanding this review, all required permits shall be secured.

9. Minor changes to the conditions of approval may be approved by the Community Development Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code.

10. The property owner must submit payment for all outstanding fees payable to the City prior to commencement of the conditionally permitted use.

Site-Specific Conditions

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

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

13. No other new signage is permitted under this application; a sign permit shall be submitted and approved by the Planning Division prior to installation of any new sign or modification of existing signage.

14. Unless exterior lighting is approved by the City, no exterior lighting is permitted under this permit.

15. Should the commercial structure fronting PCH not operate as an ancillary motel manager's office, an amendment to this CUP shall be required for any proposed change of use.

16. The Community Development Department shall inspect the Property (as needed) to verify compliance with the conditions of approval.

17. The CUP may be reviewed by the Community Development Director (or designee) and/or Planning Commission on an as-needed basis at the discretion of the Community Development Director (or designee) or Planning Commission. Should it be determined that a review is required, the Property Owners shall pay the Planning Division site inspection fee in effect at the time of request for a site inspection. A planner will conduct a site visit to verify compliance with the provisions set forth in this resolution. If necessary, the Community Development Director (or designee) will determine whether the CUP may be brought back to the Planning Commission for additional conditions to mitigate and/or prevent nuisances that were identified during the site inspection or made aware of by members of the public. Possible mitigation measures can include:
    a. Modifying the hours of operation;
    b. Incorporate noise mitigating measures / devices;
    c. Traffic safety measures;
    d. Land use intensification or reconfiguration of any shared parking (if applicable) that would result in a parking demand greater than approved under this CUP; or
    e. Other measures deemed necessary by the Planning Commission.

18. The applicant and/or property owner shall produce an annual motel room rate report submitted to the Planning Division, to the satisfaction of the Community Development Director, during the first quarter of each year. If the motel room rates rise above the stated luxury overnight accommodation threshold within LIP 12.10, the CUP shall be reevaluated by the Planning Commission at a public hearing.

19. The property owner and operator shall not use the parking lot for any use other than the uses and activities explicitly permitted for the subject parcel or as permitted by a temporary use permit or filming permit. In the event the required parking is not provided onsite, the property owner shall provide a parking plan to the satisfaction of the Community Development Director that all offsite parking has been secured. All parking for staff shall be provided onsite no matter what is occurring on the property.

20. The applicant/owner is required to submit to the Building Safety Division for the change of occupancy in the motel structures and adhere to any associated Building Code requirements related to the parking lot for the motel use approved under APR No. 22-017.

Fixed Conditions

21. The conditions under which this CUP was approved may be modified by the City without the consent of the property owner, tenant or operator if the Planning Commission finds that the use is creating a nuisance.

22. A CUP that is valid and in effect, and was granted pursuant to the provisions of the MMC, shall run with the land and continue to be valid upon change of ownership of the land or lawfully existing structure.

23. Violation of any of the conditions of approval shall be cause for revocation of the CUP and termination of all rights contained therein.

24. This CUP shall become subject to revocation should the use for which the conditional use permit was granted cease for six successive calendar months after the start of operations, except in the case of natural disaster.

25. If it has cause to believe that grounds for modification or revocation may exist, the Planning Commission shall hold a public hearing upon the question of modification or revocation of this conditional use permit pursuant to MMC Section 17.66.100(C). The CUP may be revoked if the Planning Commission finds that one or more of the following conditions exists:
    a. The CUP was obtained in a fraudulent manner.
    b. The use for which the CUP was granted has ceased or was suspended for at least six successive calendar months, absent a natural disaster.
    c. One or more of the conditions found within this resolution have not been substantially met.

SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 1st day of December 2025.

ELIZABETH RIDDICK, Planning Commission Chair

ATTEST:

for

REBECCA EVANS, Recording Secretary

LOCAL APPEAL – Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 246.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 25-62 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 1st day of December 2025 by the following vote:

AYES:	4	Commissioners: Leonard, Kamins, Peak, Riddick
NOES:	1	Commissioner: Mazza
ABSTAIN:	0	
ABSENT:	0	

for

REBECCA EVANS, Recording Secretary

Commission Agenda Report

Planning Commission Meeting
07-17-23
Item 5.C.

To: Chair Peak and Members of the Planning Commission

Prepared by: Adam Pisarkiewicz, Contract Planner

Approved by: Richard Mollica, Planning Director

Date prepared: July 06, 2023 Meeting date: July 17, 2023

Subject: Coastal Development Permit No. 23-040 and Conditional Use Permit No. 21-008 – An application for the conversion of existing multi-family apartment buildings to a motel

Location: 22800 Pacific Coast Highway, within the appealable coastal zone
APN: 4452-004-032
Owner: Carbon Investments

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 23-35 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 23-040 and Conditional Use Permit (CUP) No. 21-008 for a change of use from existing, non-conforming multi-family residential to motel on a property located in the Commercial Visitor Serving-1 (CV-1) zoning district located at 22800 Pacific Coast Highway (PCH) (Carbon Investments).

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

Project Overview

The project site is a developed parcel totaling approximately 0.3 acre in size, consisting of two multi-family buildings and one vacant commercial building. The project proposes the conversion of the existing two-story multi-family buildings to a motel use, which is a

conditionally permitted use in the CV-1 zone. The existing commercial building will remain vacant (Attachment 2 – Project Plans).

No new development is proposed with the subject application.

Background and Existing Approvals

According to the Los Angeles Tax Assessor's Office, the structures on the site were originally constructed in 1955.

On December 12, 1986, the Los Angeles County Department of Regional Planning issued the last approved site plan for the subject property. The site plan contained the existing residential buildings with nine approved units, the existing commercial building, and a total of 14 parking spaces, 12 of which were required for the commercial and residential uses. The subject property contains unpermitted alterations to the last approved site plan including landscaping and changes to the parking layout and circulation.

The commercial structure was previously occupied by a restaurant (La Salsa) but has remained vacant for a number of years. Six of the existing residential units are permitted Short-Term Rentals (STRs), in conformance with Chapter 17.55, and the remaining three are used as long term rentals.

On May 9, 2023, the Planning Department approved Administrative Plan Review (APR) No. 22-017 to address unpermitted landscape installation and reconfigured parking. The approved site plan allowed the site to revert to the configuration last approved in 1986. APR No. 22-017 resolved unpermitted site modifications that occurred over the years since 1986. APR No. 22-017 permitted the site to be restored to its previously approved parking configuration and the removal of the unpermitted landscaping, which will result in 13 parking spaces and one Americans with Disabilities Act (ADA) compliant space. MMC Section 17.48.030 requires one parking space for each keyed room plus one additional space for use by management or maintenance personnel, resulting in a total of 10 required parking spaces.

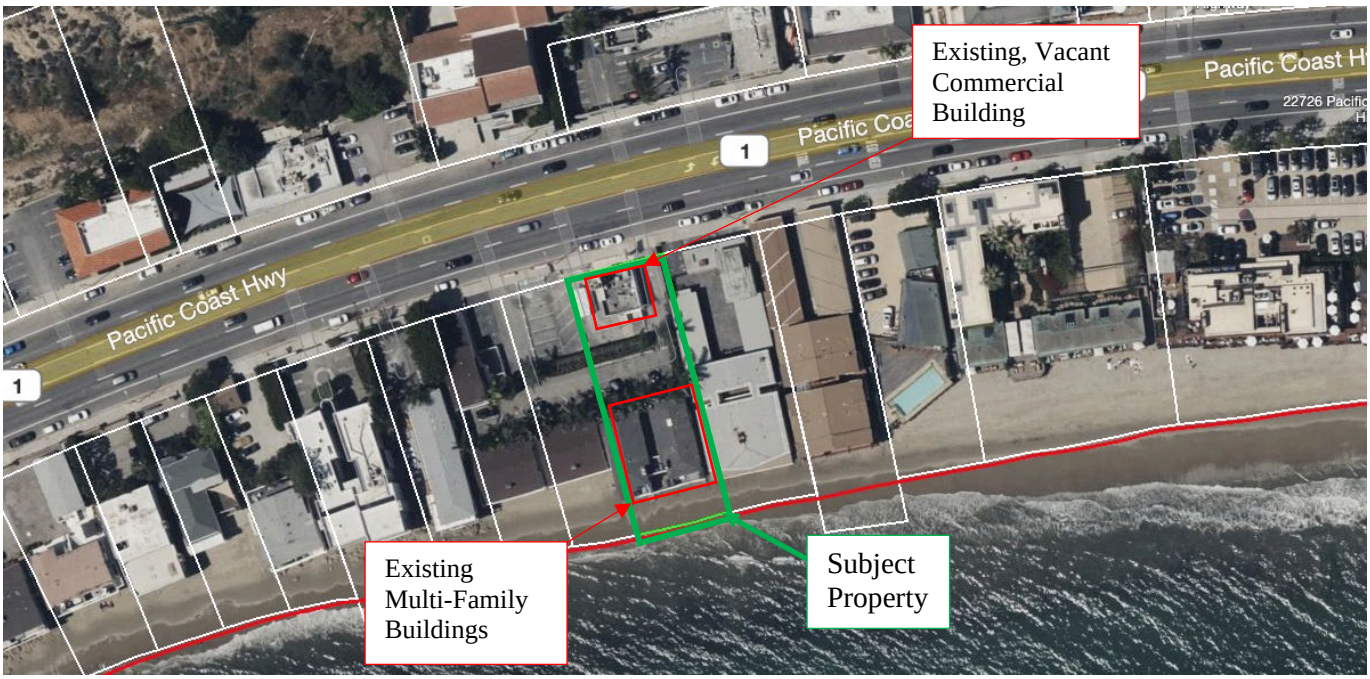
In conjunction with APR No. 22-017, an outdoor lighting application was submitted to the City for new outdoor lighting fixtures, per the requirements of MMC Chapter 17.41 (Dark Sky Ordinance). On January 26, 2023, the Planning Department approved Outdoor Lighting Review (OLR) No. 22-011 to bring existing exterior lighting into compliance with the City's Dark Sky Ordinance.

Surrounding Land Uses and Project Setting

As shown in Figure 1, the subject property is located on the seaward side of PCH between Sweetwater Canyon Drive and Carbon Beach Terrace. The site was first developed in

1955. The site has operated as a mixed-use development since it was originally developed.

Figure 1: Aerial Map



Source: City GIS

Table 1 below provides a list of the immediately adjacent land uses. The property is bordered by PCH to the north and the Pacific Ocean to the south. The property to the east is zoned Community Commercial (CC) and also contains a mix of multi-family and commercial uses. The property to the west is zoned Multiple Family Residential (MF) and contains multi-family residential development zoning districts. On the north side of PCH is a corridor of commercial development located in the CC zoning designation.

Table 1 – Surrounding Land Uses				
Direction	**Address**	**Lot Size**	**Zoning**	**Land Use**
North	22775 PCH	0.25 acre	CC	Commercial
South	N/A – Pacific Ocean	N/A	N/A	N/A
West	22806 PCH	0.21 acre	MF	Multi-Family Residence
East	22772 PCH	0.29 acre	CC	Commercial and Multi-Family Residential

Table 2 provides a summary of the lot dimensions and lot area of the subject parcel.

Table 2 – Total Property Data	
Lot Depth	186 feet
Lot Width	68.5 feet
Gross Lot Area	11,725 square feet
Net Lot Area	9,025 square feet

*Net Lot Area = Gross Lot Area minus the area of access easements and 1 to 1 slopes.

Project Description

The project proposes a change of use of the existing non-conforming multi-family buildings, currently being used for both STRs less than 30 days and long term rentals, to a motel use which is a conditionally permitted use in the CV-1 zoning district. The CUP request does not include any structural alterations, construction, additions, or demolition to the subject property. The two buildings contain a total of nine residential units, each of which is proposed to be converted into motel rooms. The motel's management, maintenance, and housekeeping services will be provided by the contracted third-party providers that are currently servicing the existing STR use of the residential units, rented for periods of 30 days or less.

The application does not propose the use of or any modifications to the vacant single-story commercial building located on the northern portion of the lot adjacent to PCH.

Nonconformities

Converting the existing parking configuration and circulation of the site back to its approved 1986 site plan configuration results in non-conformities regarding parking space dimensions and turning radius width per MMC Chapter 17.48 (Off-Street Parking and Loading Requirements). However, it reverts the parking lot back to its last approved site plan. The unpermitted modifications resulted in fewer parking spaces and narrower aisle widths. The reconfigurated site plan brought the site closer into compliance with current parking regulations.

The existing structures and site improvements were legally created and therefore, can be continuously maintained as dictated in MMC Chapter 17.60 (Nonconforming Structures and Uses).

LCP Analysis

The Malibu LCP consists of the Land Use Plan (LUP) and the LIP. The LUP contains programs and policies to implement the Coastal Act in Malibu. The LIP contains provisions to carry out the policies of the LUP to which every project requiring a CDP must adhere.

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters do not required findings. The proposed project does not result in any changes to the analysis provided in the original report as it pertains to all these LIP chapters, except for Zoning. The proposed project's consistency with the Zoning provisions is discussed in the *LIP Conformance Analysis* section below.

The nine remaining LIP chapters contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource

Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. The discussion below has been limited to those LIP chapters and conformance issues potentially affected by the proposed project. CDP findings are made below.

LIP Conformance Analysis

The Planning Department and the Environmental Health Department have reviewed the proposed project for conformance with the LCP (Attachment 3). The proposed project is in conformance with all applicable LCP codes, standards, goals, and policies.

Zoning (LIP Chapter 3)

The proposed project is subject to the zoning standards set forth under LIP Section 3.3. The proposed project meets those standards and has been determined to be consistent with all LCP codes, standards, goals, and policies with the inclusion of the discretionary request.

Grading (LIP Chapter 8)

LIP Section 8.3 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residental parcel. The proposed project does not include grading; therefore, the provisions of LIP Section 8.3 do not apply.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures are followed to determine potential impacts on archaeological resources. The proposed project does not include geologic testing or construction; therefore, the provisions of LIP Chapter 11 do not apply.

Water Quality (LIP Chapter 17)

LIP Chapter 17 contains requirements for water quality protection and requirements of the State Water Resources Control Board (SWRCB). The subject property is located outside of the designated Area of Special Biological Significance (ASBS) between Latigo Point and the west City limits as established by the SWRCB as part of the California Ocean Plan. In addition, the proposed project does not include construction activities; therefore, the provisions of Chapter 17 do not apply.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses the siting, design, and performance requirements of onsite wastewater treatment systems (OWTS). The proposed project does not include a new

OWTS nor does it include new or additional drainage fixtures; therefore, the provisions of LIP Chapter 18 do not apply.

LIP Findings

A. Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all coastal development permits. As discussed above, the proposed project, as conditioned, conforms to the certified City of Malibu LCP in that it meets the required beachfront residential development standards.

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

The Planning Department and Environmental Health Department reviewed the proposed project for conformance with the LCP. The proposed project, as conditioned, conforms to the certified City of Malibu LCP in that it meets all the required zoning standards.

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

The subject parcel is located between the first public road and the sea. The project does not propose any construction or alterations to the existing structures. Therefore, there are no impacts to public access or recreation by the project. As such, the proposed project conforms to the public access and recreation policies of Chapter 3 for the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

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

This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts to coastal resources.

1. No Project – The 'no project' alternative would maintain the existing multi-family units, a use which is nonconforming in the CV-1 zone, and would continue the use of the units as both STRs and long-term rentals.

2. Proposed Project – The proposed project consists of a change of use from multi-family residential to a motel. The proposed motel use is a conditionally permitted use in the CV-1 zone. The proposed project does not consist of any construction or alteration to the existing structures. The change of use does not present potentially significant impacts to coastal resources or environmentally damaging impacts due to no proposed changes to the existing structures.

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

The subject parcel is not located in an ESHA or ESHA buffer as depicted on the LCP ESHA and Marine Resources Map. Therefore, Environmental Review Board review was not required, and this finding does not apply.

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

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

C. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the subject parcel. Therefore, the findings of LIP Chapter 5 are not applicable.

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

The Scenic, Visual, and Hillside Resource Protection chapter governs those coastal development permit applications concerning any lot that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject property abuts PCH and the existing structures are visible from PCH, an LCP-designated scenic highway. However, the proposed project does not include any new construction and therefore, does not have the potential to create adverse impacts on scenic resources. Therefore, the findings in LIP Chapter 6 do not apply.

E. Transfer of Development Credit (LIP Chapter 7)

The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not applicable.

F. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity. The proposed project does not include any new construction and therefore, does not have the potential

to create adverse impacts upon site stability or structural integrity. As a result, the findings in LIP Section 9.3 are not applicable.

G. Shoreline and Bluff Development (LIP Chapter 10)

The Shoreline and Bluff Development Chapter governs those coastal development permit applications that include development on a parcel located along the shoreline as defined by the LCP. The required findings and analysis must be made for development located on a site along the shoreline or a coastal bluff where it is determined that the proposed project causes the potential to create adverse impacts upon said resources. The project site is a beachfront property on the south side of PCH but the proposed project does not include any modification to the existing structures or new structures. No construction is proposed. As a result, the findings in LIP Section 10.3 are not applicable.

H. Public Access (LIP Chapter 12)

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

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

The project is new development between the nearest public roadway and the sea, but does not result in blockage of any existing public access. Public access to the ocean exists nearby at an existing access path approximately 850 feet to the east of the subject property and an existing access path to the beach adjacent to Malibu Pier is approximately 0.2 miles to the west of the subject property. The proposed project will not impede existing public access along the beach and therefore the requirement for public access in LIP Section 12.4 does not apply and further findings are not required.

I. Land Division (LIP Chapter 15)

The project does not include a land division. Therefore, the findings of LIP Chapter 15 are not applicable.

MMC Findings

Conditional Use Permit Findings for New Motel Use (MMC Section 17.66.080)

The proposed CUP will allow for the existing, non-conforming nine-unit multi-family residential use to convert to a motel, which is a conditionally permitted use in the CV-1 zoning district. The Planning Commission may approve, deny, and/or modify a CUP in whole or in part, with or without conditions, provided that it makes all of the findings of fact required by MMC Section 17.66.080. All of the CUP findings are provided below.

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

Pursuant to MMC Section 17.26.030(C), a motel is a conditionally permitted use in the CV-1 zone. The requested CUP will enable the conversion of the existing, legal nonconforming residential units that are primarily being used as permitted STRs to a visitor-serving motel. The proposed project has been reviewed for conformance with the MMC and LCP by the Planning Department and the City Environmental Health Administrator. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, complies with all applicable provisions of the MMC and the LCP .

Finding 2. The proposed use would not impair the integrity and character of the zone in which it is to be located.

The proposed motel use is compatible with the uses in the vicinity of the subject property, which include retail, restaurants, the Malibu Pier, as well as other motels, hotels, and multi-family residential development. The existing residential units on the subject property have been utilized as permitted STRs since 2021, in accordance with the applicable requirements of MMC Chapter 17.55 (Short-Term Rental of Property). The CUP request would bring the use of the property into conformance with the visitor-serving intent of the CV-1 zone. The CUP request does not include alterations to the structure. The motel use will therefore conform with the intent of the CV-1 zone and surrounding environment because the primary use of the property would continue to provide visitor-serving overnight accommodations.

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

The subject property is a beachfront property located along PCH and the surrounding development is comprised of restaurants, motels, retail, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development. Existing utilities are located within the PCH right-of-way which serve the subject property. The site is physically suitable for the proposed use as it contains the required amount of parking.

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

The property's surrounding neighborhood contains a variety of uses including hospitality and visitor-serving commercial uses, and multi-family residential uses. West of the property is the Malibu Pier and Surfrider Beach which are prominent tourism locations in the city. The proposed motel use is compatible with the surrounding uses and will provide support for the existing visitor-serving uses in the surrounding area.

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

As discussed in Finding 4, the proposed use is compatible with the existing land uses within the CV-1 zone and surrounding commercial zones. Future land uses in the general area surrounding the subject property are expected to retain their current commercial and visitor-serving uses given the surrounding zoning districts. The intent of the CV-1 zone is to provide commercial and visitor-serving uses that serve residents, local visitors, and out-of-town visitors alike. Therefore, the proposed motel is compatible with the existing and future land uses within the CV-1 zone and the surrounding area.

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

The existing multi-family development contains adequate provisions for water, sanitation, and public utilities and services. The proposed motel use will have no greater impact on the water supply, sanitation, public utilities and/or services in comparison to the existing use and the proposed change in use would in no way be detrimental to public health and safety.

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

Access to the subject property is from PCH. The public, as well as emergency vehicles, would enter and exit the site via existing curb cuts for the entrance and exit along PCH. Therefore, there are adequate provisions for public access to serve the subject parcel.

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

The request for a conditionally-permitted motel use on the subject property is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan. The proposed visitor-serving motel use supports the General Plan's objective to permit the development of commercial visitor-serving facilities at suitable locations [LU Goal 3: LU

Objective 3.2]. The motel would contribute to the visitor-serving areas for use by tourists. The property will not be physically altered by the conditionally-permitted motel use. Therefore the proposed motel use is in alignment with the General Plan's objective for visitor-serving facilities in suitable locations and to limit development impacts on the City's natural and environmental resources.

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

Motels are a conditionally permitted use in the CV-1 zoning district. The project has been reviewed by the Planning Department and the City Environmental Health Administrator. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the project, as conditioned, complies with all applicable requirements of State and local law.

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

The conditionally-permitted motel use will be a compatible visitor-serving use in the immediate area for tourists and residents, particularly with the adjacent existing commercial uses, Malibu Pier, and Surfrider Beach. The proposed use does not involve changes to the physical character of the property nor increase the intensity of use. Therefore, the motel use would not be detrimental to the public interest, health, safety, convenience, or welfare.

Finding 11. If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

The proposed project does not involve any further development of the property. Therefore, the proposed project is not at risk from earth movement, flooding, liquefaction, or other potential hazards.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Director has analyzed the proposed project. The Planning Director found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15301(a) – Existing Facilities. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: To date, staff has not received correspondence regarding the subject application.

PUBLIC NOTICE: On June 22, 2023, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 4).

SUMMARY: The required findings can be made that the proposed project complies with the LCP and MMC. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 23-35. The proposed project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 23-35
2. Site Plan (APR No. 22-017)
3. Department Review Sheet
4. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 23-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 23-040 AND CONDITIONAL USE PERMIT NO. 21-008 FOR A CHANGE OF USE FROM EXISTING NON-CONFORMING MULTI-FAMILY RESIDENTIAL TO MOTEL ON A PROPERTY LOCATED IN THE COMMERCIAL VISITOR SERVING-1 ZONING DISTRICT LOCATED AT 22800 PACIFIC COAST HIGHWAY (CARBON INVESTMENTS)

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

SECTION 1. Recitals.

A. On September 17, 2021, an application for Conditional Use Permit (CUP) No. 21-008 was submitted to the Planning Department by the applicant, Pacific Coast Management, LLC, on behalf of the property owners, Carbon Investments, for the change of use. The application was routed to the City Environmental Health Administrator for review. Coastal Development Permit (CDP) No. 23-040 was later added to the project because it includes a change in land use.

B. On October 27, 2021, Planning Department staff conducted a site visit to document the existing conditions.

C. On February 1, 2023, the CUP application was deemed complete for processing.

D. On June 22, 2023, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

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

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA according to CEQA Guidelines Sections 15301(a) – Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on the evidence contained within the record, including the agenda report for the project and the hearing on July 17, 2023, and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP), including Sections 13.7(B) and 13.9, and the Malibu Municipal Code (MMC), the

Planning Commission makes the findings of fact below, and approves CDP No. 23-040 and CUP No. 21-008 for the change of use from an existing, nonforming multi-family use to motel on a property located in the Commercial Visitor Serving-1 (CV-1) zoning district located at 22800 Pacific Coast Highway (PCH).

The project is consistent with the LCP's zoning. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. Coastal Development Permit Findings (LIP Chapter 13)

1. The proposed project has been reviewed for conformance with the LCP by the Planning Department and the Environmental Health Department. The proposed project, as conditioned, conforms to the certified City of Malibu LCP in that it meets all the required zoning standards.

2. The subject parcel is located between the first public road and the sea. The project does not propose any construction or alterations to the existing structures. Therefore, there are no impacts to public access or recreation by the project. As such, the proposed project conforms to the public access and recreation policies of Chapter 3 for the Coastal Act of 1976.

3. The proposed project consists of a change of use from multi-family residential to a motel. The proposed motel use is a conditionally permitted use in the CV-1 zone. The proposed project does not consist of any construction or alteration to the existing structures. The change of use does not present potentially significant impacts to coastal resources or environmentally damaging impacts due to no proposed changes to the existing structures.

B. Conditional Use Permit Findings (MMC Chapter 17.66)

1. Per MMC Section 17.26.030.C, a motel is a conditionally permitted use in the CV-1 zone. The requested CUP will enable the conversion of the existing nonconforming residential units that are primarily being used as nightly Short-Term Rentals (STRs), to a conforming visitor-serving motel. The proposed project has been reviewed for conformance with the MMC and LCP by the Planning Department and City Environmental Health Administrator. The proposed project complies with all applicable provisions of the MMC and LCP.

2. The proposed motel use is compatible with the uses in the vicinity of the subject property, including retail, restaurants, the Malibu Pier, as well as other motels, hotels, and multi-family residential development. The existing residential units on the subject property have been utilized as permitted STRs since 2021, in accordance with the applicable requirements of MMC Chapter 17.55. The CUP request will bring the use of the property into conformance with the visitor-serving intent of the CV-1 zone. The CUP request does not include alterations to the structure. The motel use will therefore conform with the intent of the CV-1 zone and surrounding environment because the primary use of the property would continue to be affordable visitor-serving overnight accommodations.

3. The subject property is a beachfront property located along PCH with nearby restaurants, retail, motels, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the

surrounding development. Existing utilities are located within the PCH right-of-way that serve the subject property. The site is physically suitable for the proposed use as it contains the required amount of parking.

4. The property's surrounding neighborhood contains a variety of uses including hospitality and visitor-serving commercial uses, and multi-family residential uses. West of the property is Malibu Pier and Surfrider Beach which are prominent tourism locations in the city. The proposed motel use is compatible with the surrounding uses and will provide support for the existing visitor-serving uses in the surrounding area.

5. As discussed in Finding 4, the proposed use is compatible with the existing land uses within the CV-1 zone and surrounding commercial zones. Future land uses in the general area surrounding the subject property are expected to retain their current commercial and visitor-serving uses given the surrounding zoning districts. The intent of the CV-1 zone is to provide commercial and visitor-serving uses that serve residents, local visitors, and out-of-town visitors alike. Therefore, the proposed motel use is compatible with the existing and future land uses within the CV-1 zone and the surrounding area.

6. The existing multi-family structures contain adequate provisions for water, sanitation, and public utilities and services. The proposed motel use will have no greater impact on the water supply, sanitation, public utilities and/or services in comparison to the existing use and the proposed change in use would in no way be detrimental to public health and safety.

7. Access to the subject property is from PCH. The public, as well as emergency vehicles would enter and exit via existing curb cuts for the entrance and exit along PCH. Therefore, there are adequate provisions for public access to serve the the subject parcel.

8. The request for a conditionally-permitted motel use on the subject property is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan. The proposed visitor-serving motel use supports the General Plan's objective to permit the development commercial visitor-serving facilities at suitable locations [LU Goal 3: LU Objective 3.2]. The motel will contribute to the visitor-serving area for use by tourists. The property will not be physically altered by the conditionally-permitted motel use. Therefore, the proposed motel use is in alignment with the General Plan's objective for visitor-serving facilities in suitable locations and to limit development impacts on the City's natural and environmental resources.

9. Motels are a conditionally permitted use in the CV-1 zoning district. The project has been reviewed by the Planning Department and the City Environmental Health Administrator. As discussed herein, based on the submitted reports, project plans, visual analysis and site investigation, the project, as conditioned, complies with all applicable requirements of State and local law.

10. The conditionally-permitted motel use will be a compatible visitor-serving use in the immediate area for tourists and residents, particularly with the adjacent existing commercial uses, Malibu Pier, and Surfrider Beach. The proposed use does not involve changes to the physical character of the property nor increase the intensity of use. Therefore, the motel use would not be detrimental to the public interest, health, safety, convenience, or welfare.

11. The proposed project does not involve any further development of the property. Therefore, the proposed project is not at risk from earth movement, flooding, liquefaction, or other potential hazards.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 23-040 and CUP No. 21-008, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

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

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
    a. Change of use from an existing multi-family residential use to a motel.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **October 6, 2022**. The proposed development shall further comply with all conditions of approval stipulated in this Resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Department within 30 days of this decision or prior to issuance of building permits.

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

6. The CUP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the

event of an appeal, the CUP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

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

8. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department and City Environmental Health Administrator as applicable. Notwithstanding this review, all required permits shall be secured.

9. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.

10. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

Site-Specific Conditions

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

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

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

14. No more than two employees can be at the site at any one shift.

15. No exterior lighting is permitted under the subject application.

Fixed Conditions

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

17. A conditional use permit that is valid and in effect, and was granted pursuant to the provisions of the MMC, shall run with the land and continue to be valid upon change of ownership of the land or lawfully existing structure.

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

19. This conditional use permit shall become subject to revocation should the use for which the conditional use permit was granted cease for six successive calendar months after the start of operations, except in the case of natural disaster.

20. If it has cause to believe that grounds for modification or revocation may exist, the Planning Commission shall hold a public hearing upon the question of modification or revocation of this conditional use permit pursuant to MMC Section 17.66.100(C). The conditional use permit may be revoked if the Planning Commission finds that one or more of the following conditions exists:
    a. The conditional use permit was obtained in a fraudulent manner.
    b. The use for which the conditional use permit was granted has ceased or was suspended for at least six successive calendar months.
    c. One or more of the conditions found within this resolution have not been substantially met.

SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 17th day of July 2023.

SKYLER PEAK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 246.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 23-35 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 17th day of July 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

Received
10/6/2022
Planning Dept.

NEW LANDSCAPING KEY

DWARF NON-FRUITING OLIVE TREE
(36 TOTAL)

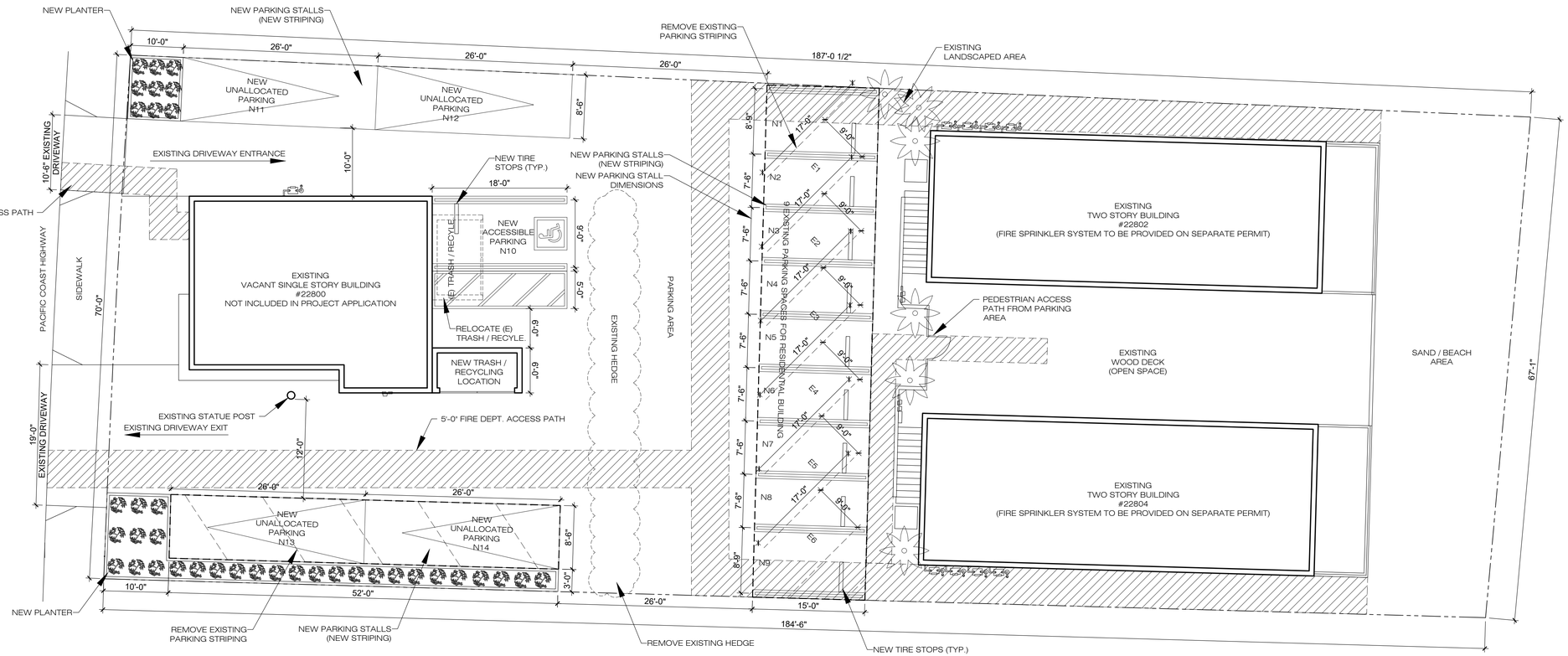
PARKING DIAGRAM KEY

EXISTING PARKING
E1,E2,E3,E4,E5,E6 STRIPING

NEW PARKING
N1, N2, N3, N4, N5, N6, N7, N8, N9
N10, N11, N12, N13, N14 STRIPING

AREA CALCULATIONS

LAND AREA (GROSS):	11,725 SQ. FT.
LAND AREA (NET):	9,025 SQ. FT.
SITE COVERAGE	
UNALLOCATED BUILDING:	598 SQ. FT.
RESIDENTIAL BUILDING:	2,100 SQ. FT.
COVERAGE:	23%
LANDSCAPED AREAS	
PLANTERS:	356 SQ. FT.
PAVED PEDESTRIAN AREAS:	320 SQ. FT.
TOTAL:	676 SQ. FT.
PARKING SUMMARY	
RESIDENTIAL:	9 SPACES
ACCESSIBLE SPACE:	1 SPACE
UNALLOCATED:	4 SPACES
TOTAL PARKING PROVIDED:	14 SPACES



N

SITE PLAN

SCALE 1/8" = 1'-0"

1

DATE	ISSUE/REVISION
09-27-2022	PLANNING REVIEW

HERBER DESIGN
ARCHITECTURE + INTERIORS
830 TEAGUE DR. SANTA PAULA, CA 93060 T: 310.428.0867

22802-22804 P.C.H.
22802-22804 PACIFIC COAST HWY. MALIBU, CA 90265
APN # 4452-004-032

ARCHITECT
CAPITOLINE DESIGN INC. D.B.A.
HERBER DESIGN
JASON HERBER C35679
830 TEAGUE DR.
SANTA PAULA, CA 93060
T: 310.428.0867

STRUCTURAL ENGINEER

DRAWING TITLE:
SITE PLAN

DRAWING NUMBER:
A-1.00

ATTACHMENT 2

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator

FROM: City of Malibu Planning Department **DATE:** 9/15/2021

PROJECT NUMBER:	CUP 21-008
JOB ADDRESS:	22800 PACIFIC COAST HWY
APPLICANT / CONTACT:	Val Zingaro, Pacific Coast Management, LLC
APPLICANT ADDRESS:	PO BOX 25070 Ventura, CA 93002
APPLICANT PHONE #:	(718)483-1995
APPLICANT FAX #:	
APPLICANT EMAIL:	Val@pcmllc.com
PROJECT DESCRIPTION:	Convert apartments to Motel

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

☑ **Conformance Review Complete** for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

☐ **Conformance Review Incomplete** for the City of Malibu LCP/LIP and MMC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☑ **NOT REQUIRED**

☐ **REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Matthew Thomas — October 7, 2021

Signature **Date**

The applicant must submit to the City of Malibu Environmental Health Specialist to determine whether or not an onsite wastewater treatment system (OWTS) Plot Plan approval is required.

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.

City of Malibu

Environmental Health ● Environmental Sustainability Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Val Zingaro, Pacific Coast Management Val@pcmllc.com		
Project Address:	**22800 Pacific Coast Highway (Apartments)** Malibu, California 90265		
Planning Case No.:	CUP 21-008		
Project Description:	Convert apartments to Motel		
Date of Review:	October 7, 2021		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489 ext. 307	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	LA Drafter: Plans dated 8-26-2013 (received 9-27-2021)
Fixture Worksheet:	
Operating Permit:	Active; expires 1-15-2023
Miscellaneous:	LA County: OWTS approval dated 5-21-1987
Previous Approval:	
Previous Reviews:	

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	☐	**CONFORMANCE REVIEW INCOMPLETE** for the City of Malibu LCP/LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	☒	**NOT REQUIRED**
	☐	**REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Environmental Health **conformance review** has been completed for the development proposal described in the project description provided by the Planning Department and the project plans and reports submitted to this office. Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the project. In order to obtain Environmental Health final approval of the project construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Conditions of Planning Conformance Review for Building Plan Check Approval:

1) **Building Plans:** All final project plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

   The final floor plans must show no more than 8 bedrooms and 94 drainage fixture units across the 8 units.

2) **Remodel and OWTS Upgrade:** Per Section 15.40.050 of the Malibu Municipal Code, any renovation (i.e., interior remodel) of the units will require upgrade to an advanced onsite wastewater treatment system. The applicant shall confirm in writing that no remodel is included in the current scope of work prior to Environmental Health Building Plan Check approval. Please submit existing and proposed floor plans, as appropriate.

3) **Environmental Health Final Review Fee:** A fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health Building Plan Check review.

-o0o-

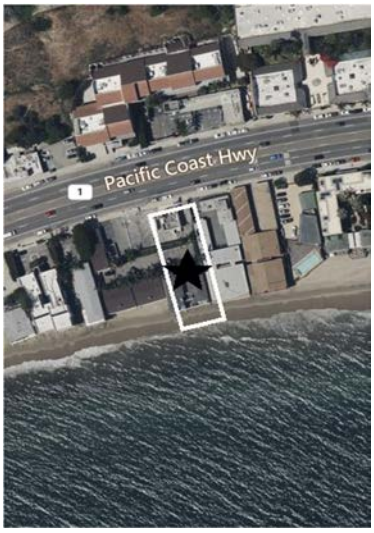
If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file
Planning Department

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

PLANNING DEPARTMENT

NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, July 17, 2023, at 6:30 p.m**. for the project identified below in the Council Chambers at Malibu City Hall, located at 23825 Stuart Ranch Road, Malibu, CA, and via teleconference in order to reduce the risk of spreading COVID-19 and pursuant to AB 361.

COASTAL DEVELOPMENT PERMIT NO. 23-040 AND CONDITIONAL USE PERMIT NO. 21-008- An application for a change of use from an existing, multi-family structure to a conforming, visitor-serving motel use.

LOCATION / APN / ZONING:	**22800 Pacific Coast Hwy** / 4452-004-032 / Commercial Visitor-Serving-One (CV-1)
APPLICANT / OWNER:	Pacific Coast Management, LLC / Carbon Investments, LP
APPEALABLE TO:	City Council and California Coastal Commission
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15301(a)
APPLICATION FILED:	September 17, 2021
CASE PLANNER:	Adam Pisarkiewicz, Contract Planner, pisarkiewicz@civicsolutions.com (949) 489-1442

For the project identified above with a categorical exemption for environmental review, pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project and found that it is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review at City Hall or by contacting the Case Planner.

LOCAL APPEAL– A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action (15 days for tentative maps) for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 246.

COASTAL COMMISSION APPEAL– For projects appealable to the Coastal Commission, an aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling 805-585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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

RICHARD MOLLICA, Planning Director Date: June 22, 2023

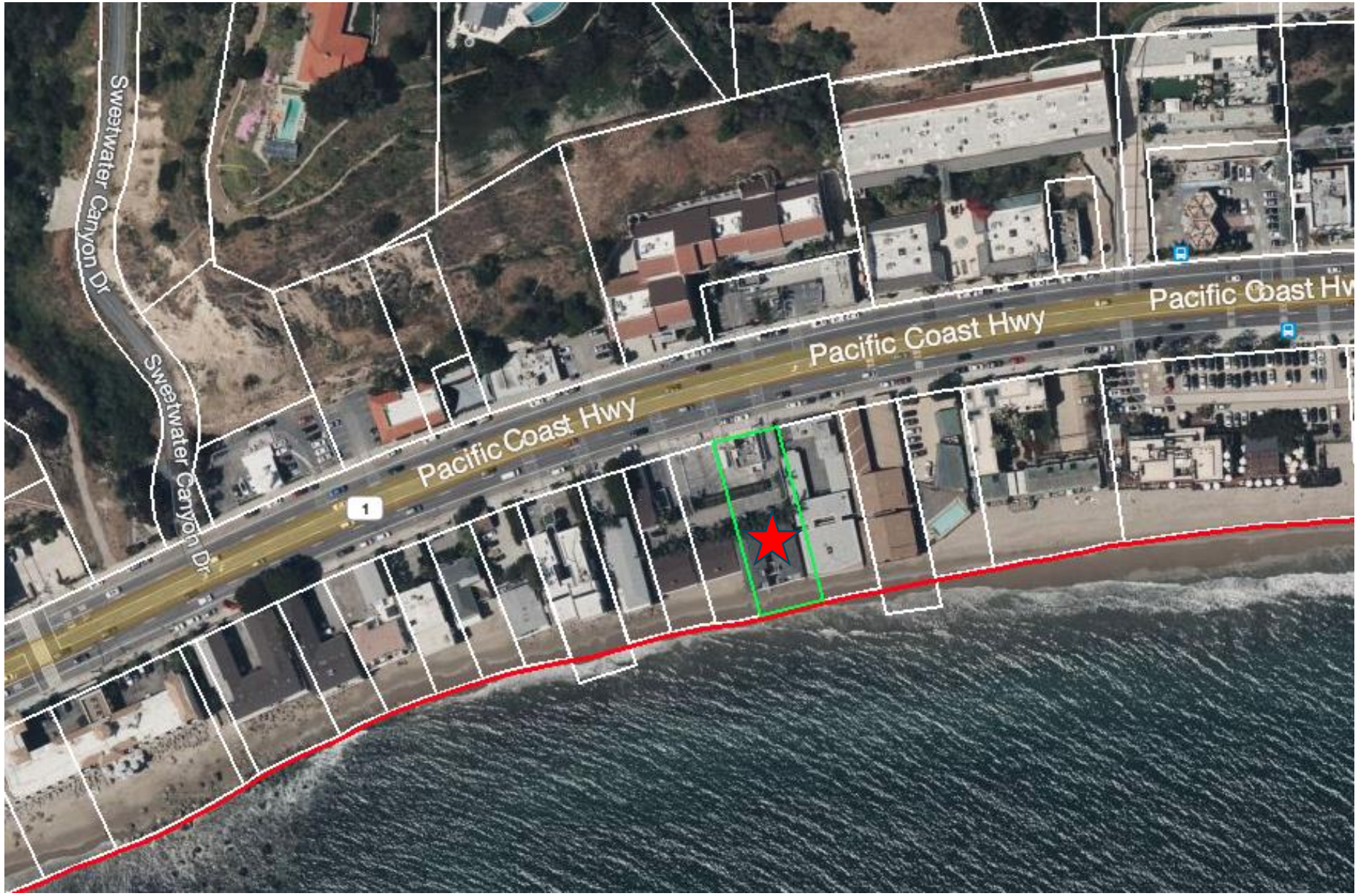
ATTACHMENT 4

22800 Pacific Coast Highway

Coastal Development Permit No. 23-040
Conditional Use Permit No. 21-008

July 17, 2023
Planning Commission Meeting
Item No. 5.C.

Vicinity Map



Aerial Map


Existing, Vacant Commercial Building
Pacific Coast Hwy
1
Existing Multi-Family Buildings
Subject Property

Current Site Conditions





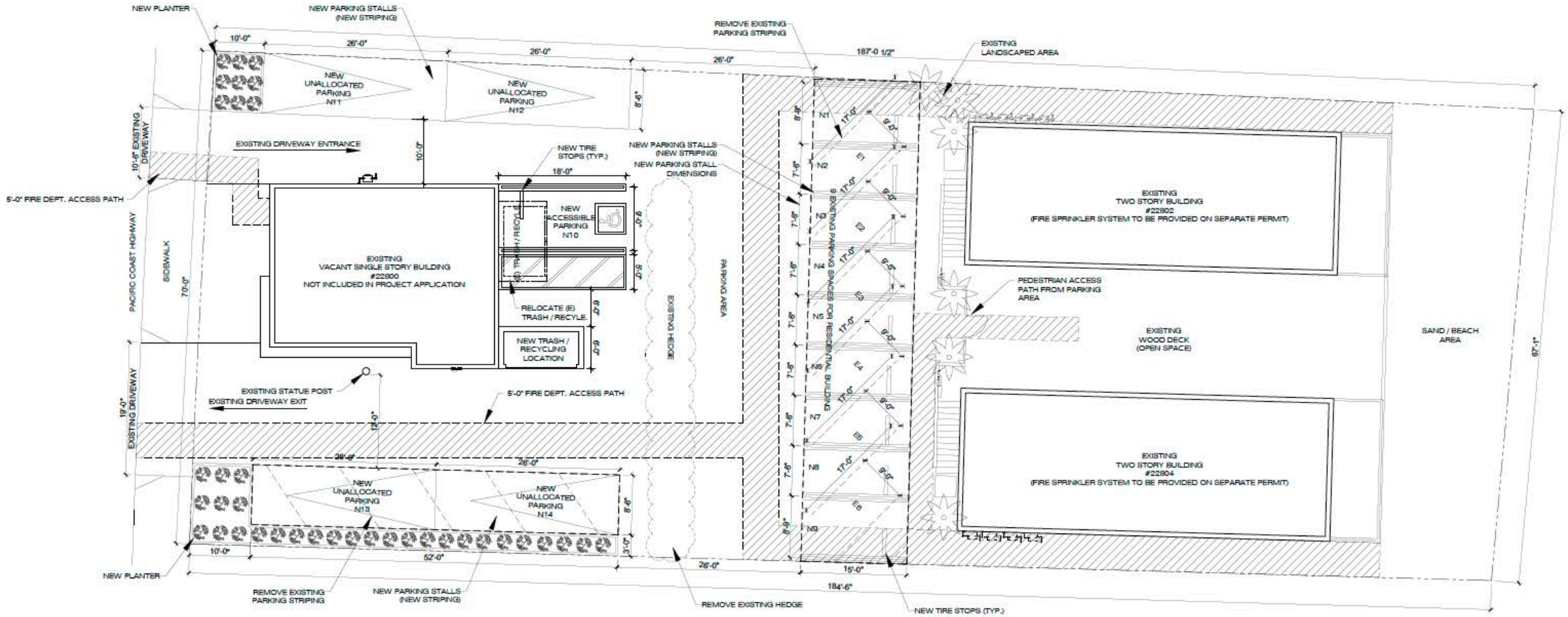
Proposed Project

- Conversion of existing multi-family apartment buildings to a motel use.

Project Info

- Property located in Commercial Visitor Serving-1 (CV-1) Zone.
- Motels are permitted by CUP in the CV-1 Zone.
- Parking Requirement:
  - Required: One space for each keyed room, plus one space for the average, per-shift number of employees.
  - Provided: 14 spaces for 9 rooms, plus one for cleaning staff.
- No proposed construction.

Site Plan (Previously Approved APR)



Additional Condition

Condition #21:

"The applicant / property owner shall pay the required new luxury overnight visitor accommodations in lieu fee to the City. The amount of the in lieu fee shall be $10,419 per required unit of lower cost overnight accommodations, plus an additional amount for inflation from January 2000 to the date of approval of the coastal development permit. The coastal development permit does not become effective until the applicant / property owner submits full payment of the new luxury overnight visitor accommodation in lieu fee to the City and the City processes the payment."

Recommendation

Staff recommends the Planning Commission finds that the proposed project is consistent with CEQA and approves the proposed project as conditioned.

22800 Pacific Coast Highway

Coastal Development Permit No. 23-040
Conditional Use Permit No. 21-008

July 17, 2023
Planning Commission Meeting
Item No. 5.C.

Received
07/17/23
Planning Dept.

Planning Commission

From: Tracy Lovric <tracy.lovric@mrca.ca.gov>
Sent: Monday, July 17, 2023 4:59 PM
To: Planning Commission
Cc: Elena Eger; barbara.carey@coastal.ca.gov; Hudson, Steve@Coastal; Christensen, Deanna@Coastal; Gonzalez, Denise@Coastal
Subject: MRCA Public Comment July 17, 2023 Item 5C
Attachments: 2023-07-17 MRCA-PC.Item5C.Final.pdf

Attached please find MRCA's public comment on the Planning Commission July 17, 2023 Agenda Item 5C

Thank you.

Sincerely,

Tracy Lovric, JD
Project Analyst III
Mountains Recreation & Conservation Authority
213.605.2123

https://mrca.ca.gov/coastal-access/

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/17/23 Time 4:59 PM
Planning Commission meeting of 07/17/23
Agenda Item No. 5C
Total No. of Pages 5

MOUNTAINS RECREATION & CONSERVATION AUTHORITY
King Gillette Ranch
26800 Mulholland Highway
Calabasas, California 91302
PHONE (818) 878-0886

Via email to planningcommission@malibucity.org

July 17, 2023

Chairperson Skylar Peak
Malibu Planning Commissioners
23825 Stuart Ranch Road
Malibu, California 90265

MRCA Comment Letter on Agenda Item 5C
Coastal Development Permit No. 23-040 and Conditional Use Permit No. 21-008, 22800 Pacific Coast Highway, 4452-004-032

Dear Chair Peak and Planning Commissioners,

The Mountains Recreation and Conservation Authority (MRCA) submits its public comments on the proposed development, a change of use from existing, non-conforming multi-family residential to motel on a property located in the Commercial Visitor Serving-1 (CV-1) zoning district located at 22800 Pacific Coast Highway (PCH), which is Item 5C on your July 17, 2023, agenda, as follows:

First, the proposed motel development is inconsistent with the City's LUP for Luxury Overnight Visitor Serving Accommodations. Section 2.35 states that "New development of luxury overnight visitor serving accommodations shall be designed to provide for a component of lower cost overnight visitor accommodations (e.g., campground, RV park, hostel, or lower cost hotel/motel) . . ." The applicant shall be required to provide lower-cost overnight accommodations consisting of 15 percent of the number of luxury overnight accommodations that are approved." The payment of an in-lieu fee based on a 9-room luxury room motel into a fund to subsidize the construction of lower-cost overnight facilities per required unit plus inflation is drastically insufficient to realistically supplant the option to provide lower-cost visitor accommodations on-site or off-site in Malibu, one of the highest-priced California coastal real estate areas. The option to pay an in-lieu fee for the future subsidized development of affordable units in a city that has built none to date, while immediately permitting the creation of 9 luxury units in the same jurisdiction, does not meet the LCP objectives for new luxury coastal development to provide lower-cost accommodations.

In its staff report, the City presents no evidence whether or not the proposed development motel rooms are luxury accommodations. Luxury overnight accommodation is defined in the City's LIP section 12.10 as an overnight stay in a room which exceeds 120% of the median cost of an overnight room for all overnight accommodations in the City of Malibu.

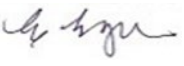
Instead, the Staff summarily states in their report that the motel provides “visitor serving overnight accommodations”. Please provide additional information such as the costs of the room or the median costs of an overnight room in the City of Malibu

Therefore, due to the lack of facts and analysis, the City has not established that this project meets the requirements of the LCP and Chapter 3 of the Coastal Act with respect to coastal access. A crucial element of coastal access is affordable coastal accommodations and services. The beachfront motel development here, if categorized as luxury overnight accommodations, does not meet the Coastal Act as the motel development will serve only a small fraction of the population who can afford the proposed hotel development’s high-cost accommodations. The proposed motel development does not meet section 30212 of the Coastal Act to provide lower-cost visitor facilities when feasible.

Second, the City has not requested the applicant to provide either vertical or lateral access on this beachfront motel property. A lateral public access easement is appropriate here because this parcel is situated in a stretch of beach approximately 983 feet wide, where only two parcels contain lateral easements. (See, City of Malibu Local Coastal Program Public Access Map image below.) Additionally, there are no vertical public accessways near to this proposed motel. The closest public vertical accessway upcoast is the Malibu Pier accessway, approximately 1,196 feet away. The closest public vertical accessway downcoast is at 22706 PCH, approximately 868 feet away. (See also, City of Malibu Local Coastal Program Public Access Map image below.) The City claims the “public access at an existing access path about 850 feet to the east of the property and an existing access path to the beach adjacent to Malibu Pier approximately .2 miles to the west” constitutes the inapplicability of LIP 12.4’s requirement for public access on this property. MRCA contends the City’s calculated distances are inaccurate and regardless, are greater than the 500-foot ideal standard distance recommended by the Coastal Commission.

To find that the proposed coastal development is consistent with the Coastal Act, the MRCA requests that the Planning Commission require that the Applicant dedicate to the public a lateral easement and vertical easement as a condition of the approval of the development. Only then will this proposed development be consistent with the Coastal Act with respect to public access to the coast.

Sincerely,

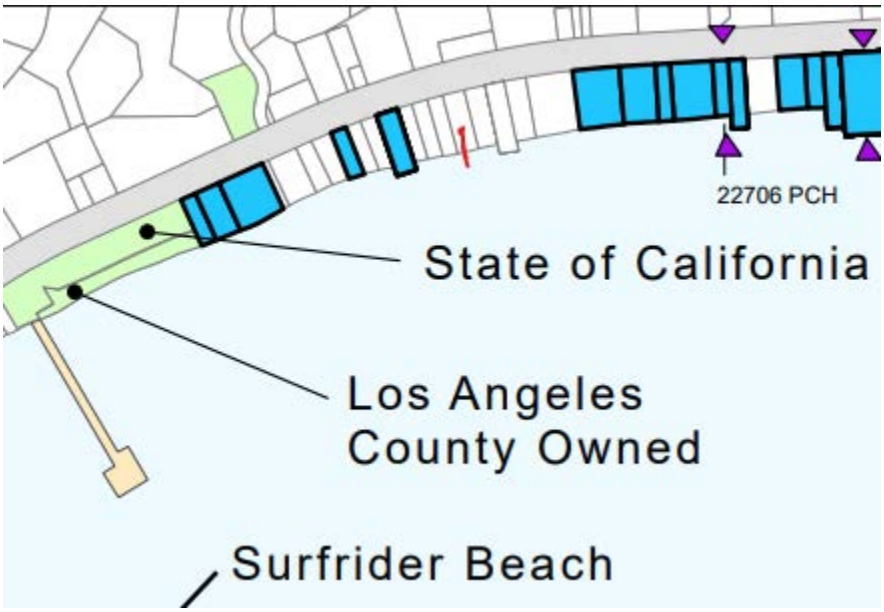


Elena Eger
Coastal Projects Special Counsel

Attachments: City of Malibu Local Coastal Program Public Access Map.
Close-up detail map.

cc: Barbara Carey, District Manager, South Central Coast and South Coast, Los Angeles County; Coastal Commission;
Barbara.carey@coastal.ca.gov
Steve Hudson, District Director, South Central Coast and South Coast, Los Angeles County; Coastal Commission;
steve.hudson@coastal.ca.gov
Deanna Christensen, District Supervisor, South Central Coast and South Coast, Los Angeles County; Coastal Commission;
deanna.christensen@coastal.ca.gov
Denise Gonzalez, Coastal Program Analyst, South Central Coast and South Coast, Los Angeles County; Coastal Commission,
denise.gonzalez@coastal.ca.gov





Malibu Local Coastal Program Public Access Map and close-up detail. Subject parcel is marked with red.

Commission Agenda Report

Planning Commission Meeting
08-07-23
Item 4.B.

To: Chair Peak and Members of the Planning Commission

Prepared by: Adam Pisarkiewicz, Contract Planner

Approved by: Richard Mollica, Planning Director

Date prepared: July 27, 2023 Meeting date: August 7, 2023

Subject: Coastal Development Permit No. 23-040 and Conditional Use Permit No. 21-008 – An application for the conversion of existing multi-family apartment buildings to a motel (Continued from July 17, 2023)

Location: 22800 Pacific Coast Highway, within the appealable coastal zone
APN: 4452-004-032
Owner: Carbon Investments

RECOMMENDED ACTION: Continue this item to a date uncertain.

Commission Agenda Report

Planning Commission Meeting
08-04-25
Item 5.B.

To: Chair Leonard and Members of the Planning Commission

Prepared by: Adam Pisarkiewicz, AICP, Contract Planner

Reviewed by: Raneika Brooks, AICP, Principal Planner

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director

Date prepared: July 24, 2025 Meeting date: August 4, 2025

Subject: Coastal Development Permit No. 23-040 and Conditional Use Permit No. 21-008 – An application for the conversion of existing multi-family apartment buildings to a motel

Location: 22800 Pacific Coast Highway, within the appealable coastal zone
Owner: Carbon Investments
APN: 4452-004-032

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 25-62 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 23-040 and Conditional Use Permit (CUP) No. 21-008 for a change of use from existing, non-conforming multi-family residential to motel on a property located in the Commercial Visitor Serving-One (CV-1) zoning district located at 22800 Pacific Coast Highway (PCH) (Carbon Investments).

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

Project Overview

The project site is a developed parcel totaling approximately 0.3 acre in size, consisting of two multi-family buildings and one vacant commercial building. The project proposes the conversion of the existing two-story multi-family buildings to a motel use, which is a conditionally permitted use in the CV-1 zone. The existing commercial building will remain vacant (Attachment 2 – Project Plans).

No new development is proposed with the subject application.

Background and Existing Approvals

According to the Los Angeles Tax Assessor's Office, the structures on the site were originally constructed in 1955.

On December 12, 1986, the Los Angeles County Department of Regional Planning issued the last approved site plan for the subject property. The site plan contained the existing residential buildings with nine approved units, the existing commercial building, and a total of 14 parking spaces, 12 of which were required for the commercial and residential uses. The subject property contains unpermitted alterations to the last approved site plan including landscaping and changes to the parking layout and circulation.

The commercial structure was previously occupied by a restaurant (La Salsa) but has remained vacant for a number of years. All nine of the existing residential units are permitted Short-Term Rentals (STR), in conformance with MMC Chapter 17.55.

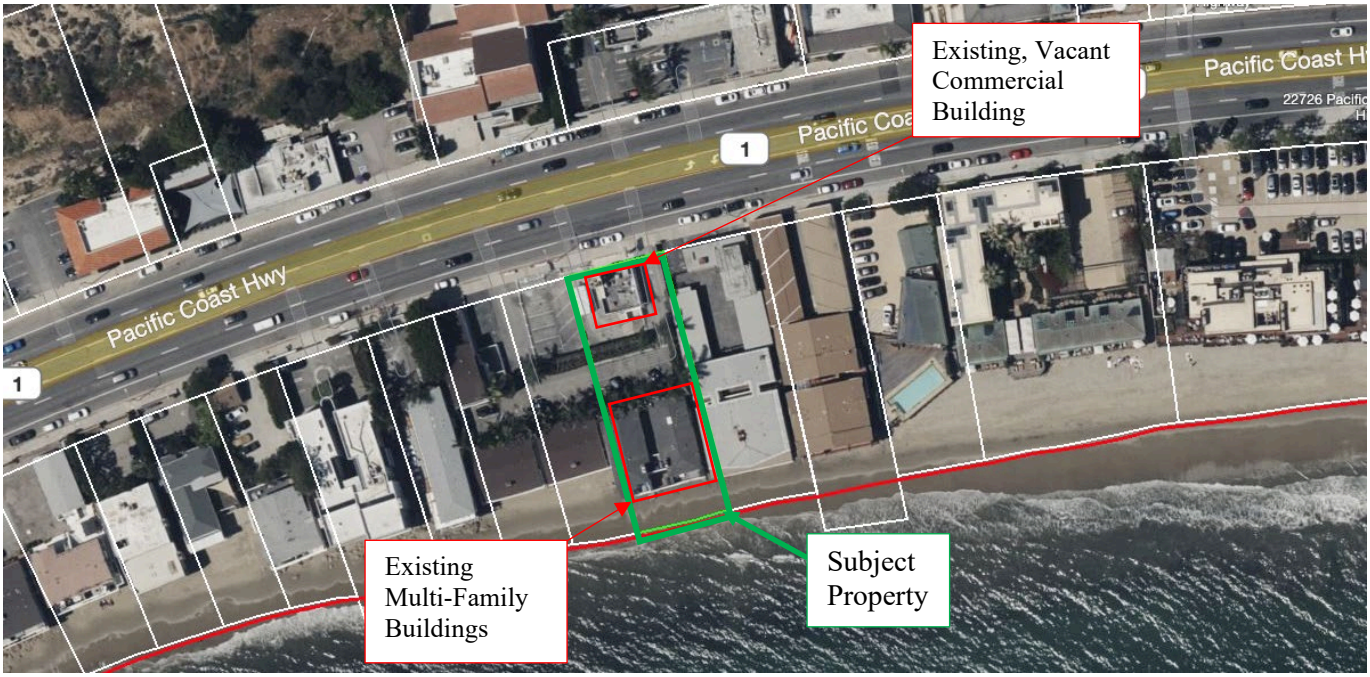
On May 9, 2023, the Planning Department approved Administrative Plan Review (APR) No. 22-017 to address unpermitted landscape installation and reconfigured parking. The approved site plan allowed the site to revert to the configuration last approved in 1986. APR No. 22-017 resolved unpermitted site modifications that occurred over the years since 1986 and permitted the site to be restored to its previously approved parking configuration and the removal of the unpermitted landscaping, which will result in 13 parking spaces and one Americans with Disabilities Act (ADA) compliant space (Attachment 2). MMC Section 17.48.030 requires one parking space for each keyed room plus one additional space for use by management or maintenance personnel, resulting in a total of 10 required parking spaces.

In conjunction with APR No. 22-017, an outdoor lighting application was submitted to the City for new outdoor lighting fixtures, per the requirements of MMC Chapter 17.41 (Dark Sky Ordinance). On January 26, 2023, the Planning Department approved Outdoor Lighting Review (OLR) No. 22-011 to bring existing exterior lighting into compliance with the City's Dark Sky Ordinance.

Surrounding Land Uses and Project Setting

As shown in Figure 1, the subject property is located on the seaward side of PCH between Sweetwater Canyon Drive and Carbon Beach Terrace. The site was first developed in 1955. The site has operated as a mixed-use development since it was originally developed.

Figure 1: Aerial Map



Source: City GIS

Table 1 below provides a list of the immediately adjacent land uses. The property is bordered by PCH to the north and the Pacific Ocean to the south. The property to the east is zoned Community Commercial (CC) and also contains a mix of multi-family and commercial uses. The property to the west is zoned Multi-Family Residential (MF) and contains multi-family residential developments. On the north side of PCH is a corridor of commercial development located in the CC zoning designation.

Table 1 – Surrounding Land Uses				
Direction	**Address**	**Lot Size**	**Zoning**	**Land Use**
North	22775 PCH	0.25 acre	CC	Commercial
South	N/A – Pacific Ocean	N/A	N/A	N/A
West	22806 PCH	0.21 acre	MF	Multi-Family Residential
East	22772 PCH	0.29 acre	CC	Commercial and Multi-Family Residential

Table 2 provides a summary of the lot dimensions and lot area of the subject parcel.

Table 2 – Total Property Data	
Lot Depth	186 feet

Table 2 – Total Property Data	
Lot Width	68.5 feet
Gross Lot Area	11,725 square feet
Net Lot Area	9,025 square feet

*Net Lot Area = Gross Lot Area minus the area of access easements and 1 to 1 slopes.

Project Description

The project proposes a change of use of the existing non-conforming multi-family buildings, currently being used for both STRs less than 30 days and long term rentals, to a motel use which is a conditionally permitted use in the CV-1 zoning district. The CUP request does not include any structural alterations, construction, additions, or demolition to the subject property. The two buildings contain a total of nine residential units, each of which is proposed to be converted into a motel room. The motel's management, maintenance, and housekeeping services will be provided by the contracted third-party providers that are currently servicing the existing STR use of the residential units, rented for periods of 30 days or less.

The application does not propose the use of, or any modifications to, the vacant single-story commercial building located on the northern portion of the lot adjacent to PCH.

Nonconformities

The subject property's surface parking lot and landscaping currently contains unpermitted modifications. Converting the existing parking configuration and circulation of the site back to its approved 1986 site plan configuration results in non-conformities regarding parking space dimensions and turning radius width per MMC Chapter 17.48 (Off-Street Parking and Loading Requirements). However, it reverts the parking lot back to its last approved site plan. The unpermitted modifications resulted in fewer parking spaces and narrower aisle widths. APR No. 22-017, approved in May 2023, contains a reconfigured site plan which brings the site closer into compliance with current parking and landscaping regulations.

The existing structures and site improvements were legally created and therefore, can be continuously maintained as dictated in MMC Chapter 17.60 (Nonconforming Structures and Uses).

LCP Analysis

The Malibu LCP consists of the Land Use Plan (LUP) and the Local Implementation Plan (LIP). The LUP contains programs and policies to implement the Coastal Act in Malibu. The LIP contains provisions to carry out the policies of the LUP to which every project requiring a CDP must adhere.

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters do not required findings. The proposed project does not result in any changes to the analysis provided in the original report as it pertains to all these LIP chapters, except for Zoning. The proposed project's consistency with the Zoning provisions is discussed in the *LIP Conformance Analysis* section below.

The nine remaining LIP chapters contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. The discussion below has been limited to those LIP chapters and conformance issues potentially affected by the proposed project. CDP findings are made below.

LIP Conformance Analysis

The Planning Division and the Environmental Health Division have reviewed the proposed project for conformance with the LCP (Attachment 3). The proposed project is in conformance with all applicable LCP codes, standards, goals, and policies.

Zoning (LIP Chapter 3)

The proposed project is subject to the zoning standards set forth under LIP Section 3.3. The proposed project meets those standards and has been determined to be consistent with all LCP codes, standards, goals, and policies with the inclusion of the discretionary request.

Grading (LIP Chapter 8)

LIP Section 8.3 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel. The proposed project does not include grading; therefore, the provisions of LIP Section 8.3 do not apply.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures are followed to determine potential impacts on archaeological resources. The proposed project does not include geologic testing or construction; therefore, the provisions of LIP Chapter 11 do not apply.

New Luxury Overnight Accommodations (LIP Section 12.10)

LIP Section 12.10 states the City may approve new luxury overnight visitor accommodations if the evidence shows that the project provides a component of lower

cost overnight visitor accommodations, such as a campground, RV park, hostel, or lower cost hotel or motel rooms. The LIP requires the applicant to provide lower cost overnight accommodations consisting of 15 percent of the number of luxury overnight accommodations that are approved. Luxury overnight accommodations are defined as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu.

The applicant provided a Room Rate Analysis (Attachment 4) which analyzes the average nightly room cost of the six existing hotels or motels within the City of Malibu by sourcing the rates of each room on the same dates in January 2025 and July 2025 using both weekday and weekend rates. The analysis establishes the average room rate of the six hotels/motels to be $1,004 per night and an overall median cost of $616 per night. Based on the established median rate and per the definition of "luxury overnight accommodations", a nightly rate must be a minimum of $740 to fall into such category. The applicant states that the proposed motel at 22800 Pacific Coast Highway will have an average nightly room rate of $415. Therefore, the proposed motel does not qualify as a luxury overnight accommodation and the requirements of LIP Section 12.10 do not apply.

Water Quality (LIP Chapter 17)

LIP Chapter 17 contains requirements for water quality protection and requirements of the State Water Resources Control Board (SWRCB). The subject property is located outside of the designated Area of Special Biological Significance (ASBS) between Latigo Point and the west City limits as established by the SWRCB as part of the California Ocean Plan. In addition, the proposed project does not include construction activities; therefore, the provisions of Chapter 17 do not apply.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses the siting, design, and performance requirements of onsite wastewater treatment systems (OWTS). The proposed project does not include a new OWTS nor does it include new or additional drainage fixtures; therefore, the provisions of LIP Chapter 18 do not apply.

LIP Findings

A. Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all coastal development permits. As discussed above, the proposed project, as conditioned, conforms to the certified City of Malibu LCP in that it meets the required beachfront residential development standards.

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

The Planning Division and Environmental Health Division reviewed the proposed project for conformance with the LCP. The proposed project, as conditioned, conforms to the certified City of Malibu LCP in that it meets all the required zoning standards.

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

The subject parcel is located between the first public road and the sea. The project does not propose any construction or alterations to the existing structures. Therefore, there are no impacts to public access or recreation by the project. As such, the proposed project conforms to the public access and recreation policies of Chapter 3 for the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

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

This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts to coastal resources.

1. No Project – The 'no project' alternative would maintain the existing multi-family units, a use which is nonconforming in the CV-1 zone, and would continue the use of the units as both STRs and long-term rentals.

2. Proposed Project – The proposed project consists of a change of use from multi-family residential to a motel. The proposed motel use is a conditionally permitted use in the CV-1 zone. The proposed project does not consist of any construction or alteration to the existing structures. The change of use does not present potentially significant impacts to coastal resources or environmentally damaging impacts due to no proposed changes to the existing structures.

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

The subject parcel is not located in an Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer as depicted on the LCP ESHA and Marine Resources Map. Therefore, Environmental Review Board review was not required, and this finding does not apply.

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

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

C. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the subject parcel. Therefore, the findings of LIP Chapter 5 are not applicable.

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

The Scenic, Visual, and Hillside Resource Protection chapter governs those coastal development permit applications concerning any lot that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject property abuts PCH and the existing structures are visible from PCH, an LCP-designated scenic highway. However, the proposed project does not include any new construction and therefore, does not have the potential to create adverse impacts on scenic resources. Therefore, the findings in LIP Chapter 6 do not apply.

E. Transfer of Development Credit (LIP Chapter 7)

The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not application.

F. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity. The proposed project does not include any new construction and therefore, does not have the potential to create adverse impacts upon site stability or structural integrity. As a result, the findings in LIP Section 9.3 are not applicable.

G. Shoreline and Bluff Development (LIP Chapter 10)

The Shoreline and Bluff Development Chapter governs those coastal development permit applications that include development on a parcel located along the shoreline as defined by the LCP. The required findings and analysis must be made for development located on a site along the shoreline or a coastal bluff where it is determined that the proposed project causes the potential to create adverse impacts upon said resources. The project site is a beachfront property on the south side of PCH but the proposed project does not include

any modification to the existing structures or new structures. No construction is proposed. As a result, the findings in LIP Section 10.3 are not applicable.

H. Public Access (LIP Chapter 12)

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

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

The project is new development between the nearest public roadway and the sea, but does not result in blockage of any existing public access. Public access to the ocean exists nearby at an existing access path approximately 850 feet to the east of the project area. The proposed project will not impede existing public access along the beach and therefore the requirement for public access in LIP Section 12.4 does not apply and further findings are not required.

I. Land Division (LIP Chapter 15)

The project does not include a land division. Therefore, the findings of LIP Chapter 15 are not applicable.

MMC Findings

Conditional Use Permit Findings for New Motel Use (MMC Section 17.66.080)

The proposed CUP will allow for the existing, non-conforming nine-unit multi-family residential use to convert to a motel, which is a conditionally permitted use in the CV-1 zoning district. The Planning Commission may approve, deny, and/or modify a CUP in whole or in part, with or without conditions, provided that it makes all of the findings of fact required by MMC Section 17.66.080. All of the CUP findings are provided below.

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

Pursuant to MMC Section 17.26.030(C), a motel is a conditionally permitted use in the CV-1 zone. The requested CUP will enable the conversion of the existing, legal nonconforming residential units that are primarily being used as permitted STRs to a visitor-serving motel. The proposed project has been reviewed for conformance with the MMC and LCP by the Planning Division and the City Environmental Health Administrator. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, complies with all applicable provisions of the MMC and the LCP.

Finding 2. The proposed use would not impair the integrity and character of the zone in which it is to be located.

The proposed motel use is compatible with the uses in the vicinity of the subject property, which include retail, restaurants, the Malibu Pier, as well as other motels, hotels, and multi-family residential development. The existing residential units on the subject property have been utilized as permitted STRs since 2021, in accordance with the applicable requirements of MMC Chapter 17.55 (Short-Term Rental of Property). The CUP request would bring the use of the property into conformance with the visitor-serving intent of the CV-1 zone. The CUP request does not include alterations to the structure. The motel use will therefore conform with the intent of the CV-1 zone and surrounding environment because the primary use of the property would continue to provide visitor-serving overnight accommodations.

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

The subject property is a beachfront property located along PCH and the surrounding development is comprised of restaurants, motels, retail, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development. Existing utilities are located within the PCH right-of-way which serve the subject property. The site is physically suitable for the proposed use as it contains the required amount of parking.

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

The property's surrounding neighborhood contains a variety of uses including hospitality and visitor-serving commercial uses, and multi-family residential uses. West of the property is the Malibu Pier and Surfrider Beach, which are prominent tourism locations in the city. The proposed motel use is compatible with the surrounding uses and will provide support for the existing visitor-serving uses in the surrounding area.

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

As discussed in Finding 4, the proposed use is compatible with the existing land uses within the CV-1 zone and surrounding commercial zones. Future land uses in the general area surrounding the subject property are expected to retain their current commercial and visitor-serving uses given the surrounding zoning districts. The intent of the CV-1 zone is to provide commercial and visitor-serving uses that serve residents, local visitors, and out-of-town visitors alike. Therefore, the proposed motel is compatible with the existing and future land uses within the CV-1 zone and the surrounding area.

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

The existing multi-family development contains adequate provisions for water, sanitation, and public utilities and services. The proposed motel use will have no greater impact on the water supply, sanitation, public utilities and/or services in comparison to the existing use and the proposed change in use would in no way be detrimental to public health and safety.

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

Access to the subject property is from PCH. The public, as well as emergency vehicles, would enter and exit the site via existing curb cuts for the entrance and exit along PCH. Therefore, there are adequate provisions for public access to serve the subject parcel.

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

The request for a conditionally-permitted motel use on the subject property is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan. The General Plan defines the CV zone as providing visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Visitor serving uses such as motels and hotels shall be consistent with compatible accessory uses, shall protect the surrounding properties, shall ensure safe traffic circulation and shall promote economically viable visitor serving areas of the City.

The project is consistent with the following land use (LU) policies of the General Plan:

> **LU Policy 3.2.1:** The City shall permit the development of commercial recreational and visitor servicing facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking and, when feasible, are located where existing low cost recreational uses will be enhanced.

LU Policy 4.1.2: The City shall encourage redesign and adaptive reuse of existing structures.

LU Implementation Measure 67: Require a commercial planned development permit for any commercial development or change of use of existing development to assure compliance with current codes to enhanced and upgrade the environment of the commercial areas.

The proposed visitor-serving motel use supports the General Plan's objective to permit the development of commercial visitor-serving facilities at suitable locations. The motel would contribute to the visitor-serving areas for use by tourists. The property will not be physically altered by the conditionally-permitted motel use. Therefore, the proposed motel use is in alignment with the General Plan's objective for visitor-serving facilities in suitable locations and to limit development impacts on the City's natural and environmental resources.

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

Motels are a conditionally permitted use in the CV-1 zoning district. The project has been reviewed by the Planning Division and the City Environmental Health Administrator. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the project, as conditioned, complies with all applicable requirements of State and local law.

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

The conditionally-permitted motel use will be a compatible visitor-serving use in the immediate area for tourists and residents, particularly with the adjacent existing commercial uses, Malibu Pier and Surfrider Beach. The proposed use does not involve changes to the physical character of the property nor increase the intensity of use. Therefore, the motel use would not be detrimental to the public interest, health, safety, convenience or welfare.

Finding 11. If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

The proposed project does not involve any further development of the property. Therefore, the proposed project is not at risk from earth movement, flooding, liquefaction, or other potential hazards.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Community Development Director has analyzed the proposed project. The Community Development Director found that this project is listed among the classes of projects that

have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15301 (a) – Existing Facilities. The Community Development Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: To date, staff has not received correspondence regarding the subject application.

PUBLIC NOTICE: On July 10, 2025, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 5).

SUMMARY: The required findings can be made that the proposed project complies with the LCP and MMC. Further, the Planning Division's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 25-62. The proposed project has been reviewed and conditionally approved for conformance with the LCP by Planning Division staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 25-62
2. Site Plan Approved by APR No. 22-017
3. Department Review Sheets
4. Room Rate Analysis
5. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 25-62

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 23-040 AND CONDITIONAL USE PERMIT NO. 21-008 FOR A CHANGE OF USE FROM EXISTING NON-CONFORMING MULTI-FAMILY RESIDENTIAL TO MOTEL ON A PROPERTY LOCATED IN THE COMMERCIAL VISITOR SERVING-ONE ZONING DISTRICT LOCATED AT 22800 PACIFIC COAST HIGHWAY (CARBON INVESTMENTS)

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

SECTION 1. Recitals.

A. On September 17, 2021, an application for Conditional Use Permit (CUP) No. 21-008 was submitted to the Planning Division by the applicant, Pacific Coast Management, LLC, on behalf of the property owners, Carbon Investments, for the change of use. The application was routed to the City Environmental Health Administrator for review. Coastal Development Permit (CDP) No. 23-040 was later added to the project because it includes a change in land use.

B. On October 27, 2021, Planning Division staff conducted a site visit to document the existing conditions.

C. On February 1, 2023, the CUP application was deemed complete for processing.

D. On June 22, 2023, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

E. On July 17, 2023, the Planning Commission continued the public hearing on the subject application to the August 7, 2023 meeting of the Planning Commission.

F. On August 7, 2023, the Planning Commission continued the item to a date uncertain.

G. On July 10, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

H. On August 4, 2025, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission has found that this project is listed among the classes of projects that have been determined not to

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have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA according to CEQA Guidelines Sections 15301(a) – Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on the evidence contained within the record, including the agenda report for the project and the hearing on August 4, 2025, and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP), including Sections 13.7(B) and 13.9, and the Malibu Municipal Code (MMC), the Planning Commission makes the findings of fact below, and approves CDP No. 23-040 and CUP No. 21-008 for the change of use from an existing, nonconforming multi-family use to motel on a property located in the Commercial Visitor Serving-1 (CV-1) zoning district located at 22800 Pacific Coast Highway (PCH).

The project is consistent with the LCP's zoning. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. Coastal Development Permit Findings (LIP Chapter 13)

1. The proposed project has been reviewed for conformance with the LCP by the Planning Division and the Environmental Health Department. The proposed project, as conditioned, conforms to the certified City of Malibu LCP in that it meets all the required zoning standards.

2. The subject parcel is located between the first public road and the sea. The project does not propose any construction or alterations to the existing structures. Therefore, there are no impacts to public access or recreation by the project. As such, the proposed project conforms to the public access and recreation policies of Chapter 3 for the Coastal Act of 1976.

3. The proposed project consists of a change of use from multi-family residential to a motel. The proposed motel use is a conditionally permitted use in the CV-1 zone. The proposed project does not consist of any construction or alteration to the existing structures. The change of use does not present potentially significant impacts to coastal resources or environmentally damaging impacts due to no proposed changes to the existing structures.

B. Conditional Use Permit Findings (MMC Chapter 17.66)

1. Per MMC Section 17.26.030.C, a motel is a conditionally permitted use in the CV-1 zone. The requested CUP will enable the conversion of the existing nonconforming residential units that are primarily being used as nightly Short-Term Rentals (STRs), to a conforming visitor-serving motel. The proposed project has been reviewed for conformance with the MMC and LCP by the Planning Division and City Environmental Health Administrator. The proposed project complies with all applicable provisions of the MMC and LCP.

2. The proposed motel use is compatible with the uses in the vicinity of the subject property, including retail, restaurants, the Malibu Pier, as well as other motels, hotels, and multi-family residential development. The existing residential units on the subject property have been

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utilized as permitted STRs since 2021, in accordance with the applicable requirements of MMC Chapter 17.55. The CUP request will bring the use of the property into conformance with the visitor-serving intent of the CV-1 zone. The CUP request does not include alterations to the structure. The motel use will therefore conform with the intent of the CV-1 zone and surrounding environment because the primary use of the property would continue to be affordable visitor-serving overnight accommodations.

3. The subject property is a beachfront property located along PCH with nearby restaurants, retail, motels, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development. Existing utilities are located within the PCH right-of-way that serve the subject property. The site is physically suitable for the proposed use as it contains the required amount of parking.

4. The property's surrounding neighborhood contains a variety of uses including hospitality and visitor-serving commercial uses, and multi-family residential uses. West of the property is Malibu Pier and Surfrider Beach, which are prominent tourism locations in the city. The proposed motel use is compatible with the surrounding uses and will provide support for the existing visitor-serving uses in the surrounding area.

5. As discussed in Finding 4, the proposed use is compatible with the existing land uses within the CV-1 zone and surrounding commercial zones. Future land uses in the general area surrounding the subject property are expected to retain their current commercial and visitor-serving uses given the surrounding zoning districts. The intent of the CV-1 zone is to provide commercial and visitor-serving uses that serve residents, local visitors, and out-of-town visitors alike. Therefore, the proposed motel use is compatible with the existing and future land uses within the CV-1 zone and the surrounding area.

6. The existing multi-family structures contain adequate provisions for water, sanitation, and public utilities and services. The proposed motel use will have no greater impact on the water supply, sanitation, public utilities and/or services in comparison to the existing use and the proposed change in use would in no way be detrimental to public health and safety.

7. Access to the subject property is from PCH. The public, as well as emergency vehicles would enter and exit via existing curb cuts for the entrance and exit along PCH. Therefore, there are adequate provisions for public access to serve the subject parcel.

8. The request for a conditionally-permitted motel use on the subject property is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan. The General Plan defines the CV zone as providing visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Visitor serving uses such as motels and hotels shall be consistent with compatible accessory uses, shall protect the surrounding properties, shall ensure safe traffic circulation and shall promote economically viable visitor serving areas of the City.

The project is consistent with the following land use (LU) policies of the General Plan:

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

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

LU Policy 4.1.2: The City shall encourage redesign and adaptive reuse of existing structures.

LU Implementation Measure 67: Require a commercial planned development permit for any commercial development or change of use of existing development to assure compliance with current codes to enhanced and upgrade the environment of the commercial areas.

The proposed visitor-serving motel use supports the General Plan's objective to permit the development of commercial visitor-serving facilities at suitable locations. The motel would contribute to the visitor-serving areas for use by tourists. The property will not be physically altered by the conditionally-permitted motel use. Therefore, the proposed motel use is in alignment with the General Plan's objective for visitor-serving facilities in suitable locations and to limit development impacts on the City's natural and environmental resources.

9. Motels are a conditionally permitted use in the CV-1 zoning district. The project has been reviewed by the Planning Division and the City Environmental Health Administrator. As discussed herein, based on the submitted reports, project plans, visual analysis and site investigation, the project, as conditioned, complies with all applicable requirements of State and local law.

10. The conditionally-permitted motel use will be a compatible visitor-serving use in the immediate area for tourists and residents, particularly with the adjacent existing commercial uses, Malibu Pier and Surfrider Beach. The proposed use does not involve changes to the physical character of the property nor increase the intensity of use. Therefore, the motel use would not be detrimental to the public interest, health, safety, convenience or welfare.

11. The proposed project does not involve any further development of the property. Therefore, the proposed project is not at risk from earth movement, flooding, liquefaction, or other potential hazards.

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SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 23-040 and CUP No. 21-008, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

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

shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
    a. Change of use from an existing multi-family residential use to a motel.

3. The proposed development shall comply with all conditions of approval stipulated in this Resolution and Department Review Sheets attached hereto.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes, and returns the Acceptance of Conditions Affidavit for Recordation accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Division within 30 days of this decision or prior to issuance of building permits.

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

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

7. All development shall conform to the requirements of the City of Malibu Environmental Sustainability Division and City Environmental Health Administrator as applicable. Notwithstanding this review, all required permits shall be secured.

8. Minor changes to the conditions of approval may be approved by the Community Development Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code.

9. The property owner must submit payment for all outstanding fees payable to the City prior to commencement of the conditionally permitted use.

Site-Specific Conditions

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

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

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

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13. No more than two employees can be at the site at any one shift.

14. No exterior lighting is permitted under the subject application.

Fixed Conditions

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

16. A conditional use permit that is valid and in effect, and was granted pursuant to the provisions of the MMC, shall run with the land and continue to be valid upon change of ownership of the land or lawfully existing structure.

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

18. This conditional use permit shall become subject to revocation should the use for which the conditional use permit was granted cease for six successive calendar months after the start of operations, except in the case of natural disaster.

19. If it has cause to believe that grounds for modification or revocation may exist, the Planning Commission shall hold a public hearing upon the question of modification or revocation of this conditional use permit pursuant to MMC Section 17.66.100(C). The conditional use permit may be revoked if the Planning Commission finds that one or more of the following conditions exists:
    a. The conditional use permit was obtained in a fraudulent manner.
    b. The use for which the conditional use permit was granted has ceased or was suspended for at least six successive calendar months.
    c. One or more of the conditions found within this resolution have not been substantially met.

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SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 4th day of August 2025.

DREW LEONARD, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 246.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 25-62 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 4th day of August 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

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Received
10/6/2022
Planning Dept.

NEW LANDSCAPING KEY

DWARF NON-FRUITING OLIVE TREE
(36 TOTAL)

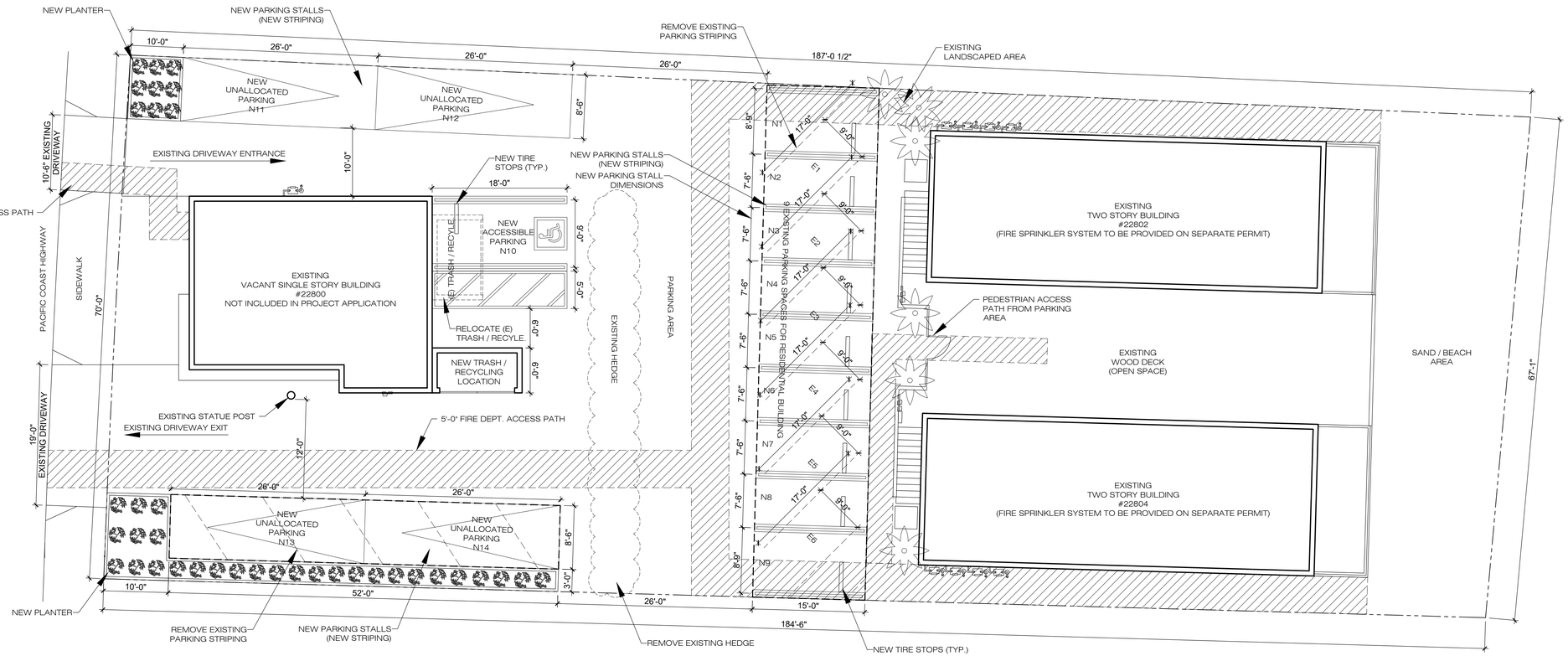
PARKING DIAGRAM KEY

EXISTING PARKING
E1,E2,E3,E4,E5,E6 STRIPING

NEW PARKING
N1, N2, N3, N4, N5, N6, N7, N8, N9
N10, N11, N12, N13, N14 STRIPING

AREA CALCULATIONS

LAND AREA (GROSS):	11,725 SQ. FT.
LAND AREA (NET):	9,025 SQ. FT.
SITE COVERAGE	
UNALLOCATED BUILDING:	598 SQ. FT.
RESIDENTIAL BUILDING:	2,100 SQ. FT.
COVERAGE:	23%
LANDSCAPED AREAS	
PLANTERS:	356 SQ. FT.
PAVED PEDESTRIAN AREAS:	320 SQ. FT.
TOTAL:	676 SQ. FT.
PARKING SUMMARY	
RESIDENTIAL:	9 SPACES
ACCESSIBLE SPACE:	1 SPACE
UNALLOCATED:	4 SPACES
TOTAL PARKING PROVIDED:	14 SPACES



N

SITE PLAN | SCALE 1/8" = 1'-0" | 1

DATE	ISSUE/REVISION
09-27-2022	PLANNING REVIEW

HERBER DESIGN
ARCHITECTURE + INTERIORS
830 TEAGUE DR. SANTA PAULA, CA 93060 T: 310.428.0867

22802-22804 P.C.H.
22802-22804 PACIFIC COAST HWY. MALIBU, CA 90265
APN # 4452-004-032

ARCHITECT
CAPITOLINE DESIGN INC. D.B.A.
HERBER DESIGN
JASON HERBER C35679
830 TEAGUE DR.
SANTA PAULA, CA 93060
T: 310.428.0867

STRUCTURAL ENGINEER

DRAWING TITLE:
SITE PLAN

DRAWING NUMBER:
A-1.00

ATTACHMENT 2

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator

FROM: City of Malibu Planning Department **DATE:** 9/15/2021

PROJECT NUMBER:	CUP 21-008
JOB ADDRESS:	22800 PACIFIC COAST HWY
APPLICANT / CONTACT:	Val Zingaro, Pacific Coast Management, LLC
APPLICANT ADDRESS:	PO BOX 25070 Ventura, CA 93002
APPLICANT PHONE #:	(718)483-1995
APPLICANT FAX #:	
APPLICANT EMAIL:	Val@pcmllc.com
PROJECT DESCRIPTION:	Convert apartments to Motel

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

_____ **Conformance Review Complete** for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

_____ **Conformance Review Incomplete** for the City of Malibu LCP/LIP and MMC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☐ **NOT REQUIRED**

☐ **REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Matthew Pennington — October 7, 2021 (rev. July 24, 2025)

Signature **Date**

The applicant must submit to the City of Malibu Environmental Health Specialist to determine whether or not an onsite wastewater treatment system (OWTS) Plot Plan approval is required.

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.

City of Malibu

Environmental Health ● Environmental Sustainability Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Val Zingaro, Pacific Coast Management Val@pcmllc.com		
Project Address:	**22800 Pacific Coast Highway (Apartments)** Malibu, California 90265		
Planning Case No.:	CUP 21-008		
Project Description:	Convert apartments to Motel		
Date of Review:	October 7, 2021 (rev. July 24, 2025)		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489 ext. 307	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	LA Drafter: Plans dated 8-26-2013 (received 9-27-2021)
Fixture Worksheet:	
Operating Permit:	Active; expires 1-15-2023
Miscellaneous:	LA County: OWTS approval dated 5-21-1987
Previous Approval:	
Previous Reviews:	

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	☐	**CONFORMANCE REVIEW INCOMPLETE** for the City of Malibu LCP/LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	☒	**NOT REQUIRED**
	☐	**REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Environmental Health **conformance review** has been completed for the development proposal described in the project description provided by the Planning Department and the project plans and reports submitted to this office. Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the project. In order to obtain Environmental Health final approval of the project construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Recycled Paper

Conditions of Planning Conformance Review for Building Plan Check Approval:

1) **Building Plans:** All final project plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

   The final floor plans must show no more than 9 bedrooms and 94 drainage fixture units across the 9 units.

2) **Remodel and OWTS Upgrade:** Per Section 15.40.050 of the Malibu Municipal Code, any renovation (i.e., interior remodel) of the units will require upgrade to an advanced onsite wastewater treatment system. The applicant shall confirm in writing that no remodel is included in the current scope of work prior to Environmental Health Building Plan Check approval. Please submit existing and proposed floor plans, as appropriate.

3) **Environmental Health Final Review Fee:** A fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health Building Plan Check review.

-o0o-

If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file
Planning Department

Recycled Paper

Room Rate Analysis Report
22800 Pacific Coast Highway

On July 17, 2023, the California Coastal Commission ("CCC") and the Mountain Recreation & Conservation Authority ("MRCA") each submitted letters with their comments on our project, 22800 Pacific Coast Highway. Both letters expressed interest and concern regarding the nightly rates at our proposed project and luxury overnight accommodations.

The CCC and MRCA requested proposed pricing of the rooms, an analysis of the median cost of an overnight room in the City of Malibu, and findings on whether the cost meets the definition of luxury overnight accommodations under the Malibu LCP.

Pricing / Room Rates 22800 PCH

The two multi-family buildings consist of nine units that are currently operated as permitted short term rentals. All the units are listed on and available for booking via the Airbnb and VRBO online travel agent platforms, we have used the actual rates for this study.

The 2025 Average Nightly Room Rate is: $415 per night.

There are currently six motel and or hotels in the City of Malibu, M Malibu, The Surfrider, Malibu Beach Inn, Malibu Country Inn, Hotel June Malibu, and the Nobu Ryokan Hotel.

The table below provides the average nightly room cost at each location. The table also identifies whether the motel or hotel is or is not an ocean front location as this will be important to reference and consider with respect to affordable visitor serving ocean front accommodations.

Average Nightly Cost Table

Hotel / Motel Name	Ocean Front	Average Room Rate
Nobu	Yes	$2,847
Malibu Beach Inn	Yes	$1,276
Surfrider	No	$752
Hotel June	No	$480
Malibu Country Inn	No	$380
MMotel	No	$289
Total Average Room Rate		$1,004
22800 PCH	Yes	$415
Median Room Rate		$616

ATTACHMENT 4

Based on published 2025 rates;

The median cost of an overnight room in the City of Malibu is: $616

The average cost of an overnight room in the City of Malibu is: $1,004

Analysis of 2025 Median Motel and Hotel Room Nightly Rate

The median nightly rate was completed by sourcing the rates of each room within the City of Malibu on the same dates in January 2025 and July 2025, high and low season, using both weekday and weekend night rates at each hotel and motel to establish the location's average nightly rate and then identifying the median rate of all rooms.

All Malibu hotel and motel rates fluctuate throughout the year based on weather, demand, and other factors. When compared to the rates of all overnight accommodations within the City at the same time throughout the year, the project 's average room rates are less than 120% of the median rate.

Luxury Accommodation	120% Median Rate $616/nt =	$740

Findings

Finding 1. Luxury Overnight Accommodation
Per section 12.10 of the Malibu LIP, Luxury overnight accommodation is defined as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu.

The proposed project does not meet the definition of Luxury overnight accommodation. The average nightly cost for a room is in fact substantially less than the median cost of an overnight room as can be seen by the analysis of the average nightly cost table for all other overnight rooms available in the City of Malibu.

Finding 2. Moderate / Affordable and Lower-Cost Overnight Coastal Accommodations
Our analysis shows that the project will provide the only moderate-cost ocean front rooms and the only non-luxury ocean front rooms in the City of Malibu.

Room Availability in the City of Malibu	
Total Rooms	130
Coastal Rooms	63
Non-Coastal Rooms	67
Luxury Rooms	83
Non-Luxury Rooms	47
Non-Luxury Ocean Front Rooms	0

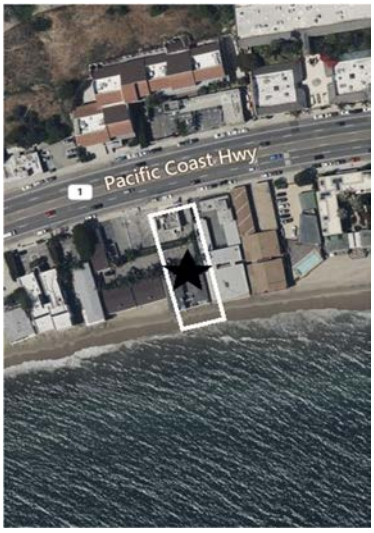
Two of the rooms (more than 20% of the project) provide lower-cost overnight accommodations at an average of only $208 per night.

This Ocean Front project does not meet the definition of Luxury Accommodations. It provides Lower-Cost Overnight accommodations, visitor and recreational facilities and opportunities to the public which should be encouraged.

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

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, August 4, 2025, at 6:30 p.m**. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA and via teleconference, for the project identified below. Public comment can be submitted ahead of the public hearing to planningcommission@malibucity.org for inclusion in the public record. To participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation.

CONDITIONAL USE PERMIT NO. 21-008 AND COASTAL DEVELOPMENT PERMIT NO. 23-040 - An application for a change of use from an existing, multi-family structure to a conforming, visitor-serving motel use

LOCATION / APN / ZONING:	**22800 Pacific Coast Hwy** / 4452-004-032 / Commercial Visitor-Serving-One (CV-1)
APPLICANT / OWNER:	Pacific Coast Management, LLC / Carbon Investments, LP
APPEALABLE TO:	City Council and California Coastal Commission
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15301(a)
APPLICATION FILED:	September 17, 2021
CASE PLANNER:	Adam Pisarkiewicz, Contract Planner, pisarkiewicz@civicsolutions.com (949) 489-1442

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

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

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission's approval directly to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. More information may be found online at www.coastal.ca.gov or by calling 805-585-1800.

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

YOLANDA BUNDY, Community Development Director Date: July 10, 2025

Commission Agenda Report

Planning Commission Meeting
12-01-25
Item 5.C.

To: Chair Riddick and Members of the Planning Commission

Prepared by: Adam Pisarkiewicz, AICP, Contract Planner

Reviewed by: Joseph Smith, AICP, Contract Principal Planner

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

Date prepared: November 20, 2025 Meeting date: December 1, 2025

Subject: Coastal Development Permit No. 23-040 and Conditional Use Permit No. 21-008 – An application for a change of use from an existing, non-conforming multi-family structure to a conforming, commercial visitor-serving motel use and the utilization of the existing, vacant commercial structure as an ancillary motel manager's office

Location: 22800 Pacific Coast Highway, within the appealable coastal zone
APN: 4452-004-032
Owner: Carbon Investments

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 25-62 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 23-040 and Conditional Use Permit (CUP) No. 21-008 for a change of use from an existing, non-conforming multi-family residential use to a conforming, commercial visitor-serving motel use and the utilization of the existing, vacant commercial structure as an ancillary motel manager's office on a property located in the Commercial Visitor Serving-One (CV-1) zoning district located at 22800 Pacific Coast Highway (PCH) (Carbon Investments).

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

Project Overview

The subject property is a developed beachfront parcel totaling approximately 0.3 acre in size, consisting of two multi-family buildings oriented along the coast and one vacant commercial building with an approximate 22-foot statue[1] fronting PCH. The project proposes the conversion of the existing two-story multi-family buildings to a motel[2] use, which is a conditionally permitted use in the CV-1 zone. Should the Planning Commission approve the CUP, the existing commercial building will be used as an ancillary motel manager's office and the statue kept in place (Attachment 2 – Project Plans).

No new development is proposed with the subject application. The requested scope is limited to the change of use only.

Background and Existing Approvals

According to the Los Angeles Tax Assessor's Office, the structures on the site were originally constructed in 1955.

On December 12, 1986, the Los Angeles County Department of Regional Planning issued the last approved site plan for the subject property. The site plan contained the existing residential buildings with nine approved units, the existing commercial building, and a total of 14 parking spaces, 12 of which were required for the commercial and residential uses. The subject property contains unpermitted alterations to the last approved site plan including landscaping and changes to the parking layout and circulation.

The commercial structure was previously occupied by a restaurant (La Salsa), which was a conforming use in the CV-1 zone, but has remained vacant since 2015. All nine of the existing residential units are permitted Short-Term Rentals (STRs), in conformance with MMC Chapter 17.55. None of the units are being used as typical multi-family residential housing.

On May 9, 2023, the Planning Division approved Administrative Plan Review (APR) No. 22-017 to address unpermitted landscape installation and reconfigured parking. The approved site plan allowed the site to revert to the configuration last approved in 1986. APR No. 22-017 resolved unpermitted site modifications that occurred over the years since 1986 and permitted the site to be restored to its previously approved parking configuration and the removal of the unpermitted landscaping, which will result in 13 parking spaces and one Americans with Disabilities Act (ADA) compliant space (Attachment 2). MMC Section 17.48.030 required one parking space for each keyed room

[1] The freestanding statue has existed since the early 1960s and was formerly associated with Foster Freeze prior to La Salsa.
[2] LIP §2.1 defines a motel as "a facility offering transient lodging accommodations to the public in a group of attached or detached buildings containing guest rooms, some or all of which have a separate entrance leading directly from the outside of the building to automobile parking space conveniently located on the lot or parcel of land, does not provide accessory uses such as restaurants or meeting rooms, and not otherwise open to the public."

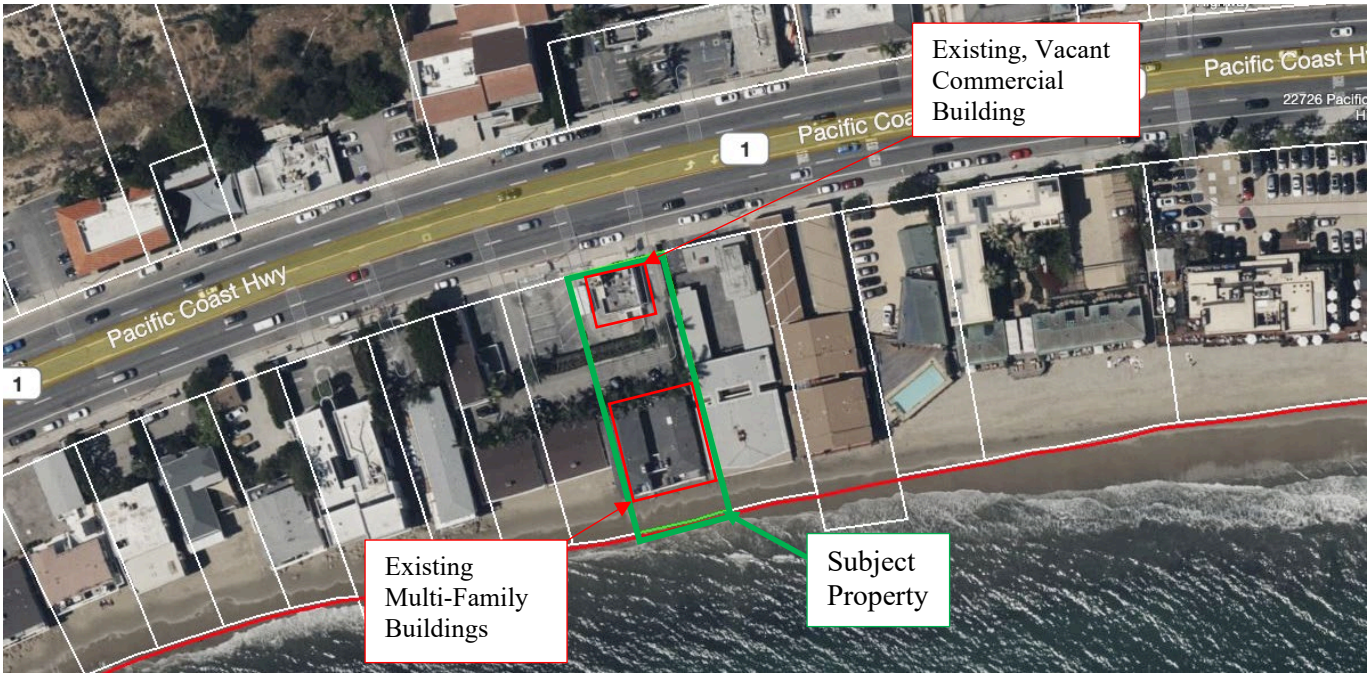
plus one additional space for use by management or maintenance personnel, resulting in a total of 10 required parking spaces.

In conjunction with APR No. 22-017, an outdoor lighting application was submitted to the City for new outdoor lighting fixtures, per the requirements of MMC Chapter 17.41 (Dark Sky Ordinance). On January 26, 2023, the Planning Division approved Outdoor Lighting Review (OLR) No. 22-011 to bring existing exterior lighting into compliance with the City's Dark Sky Ordinance.

Surrounding Land Uses and Project Setting

As shown in Figure 1, the subject property is located on the seaward side of PCH between Sweetwater Canyon Drive and Carbon Beach Terrace. The site was first developed in 1955. The site has operated as a mixed-use development since it was originally developed.

Figure 1: Aerial Map

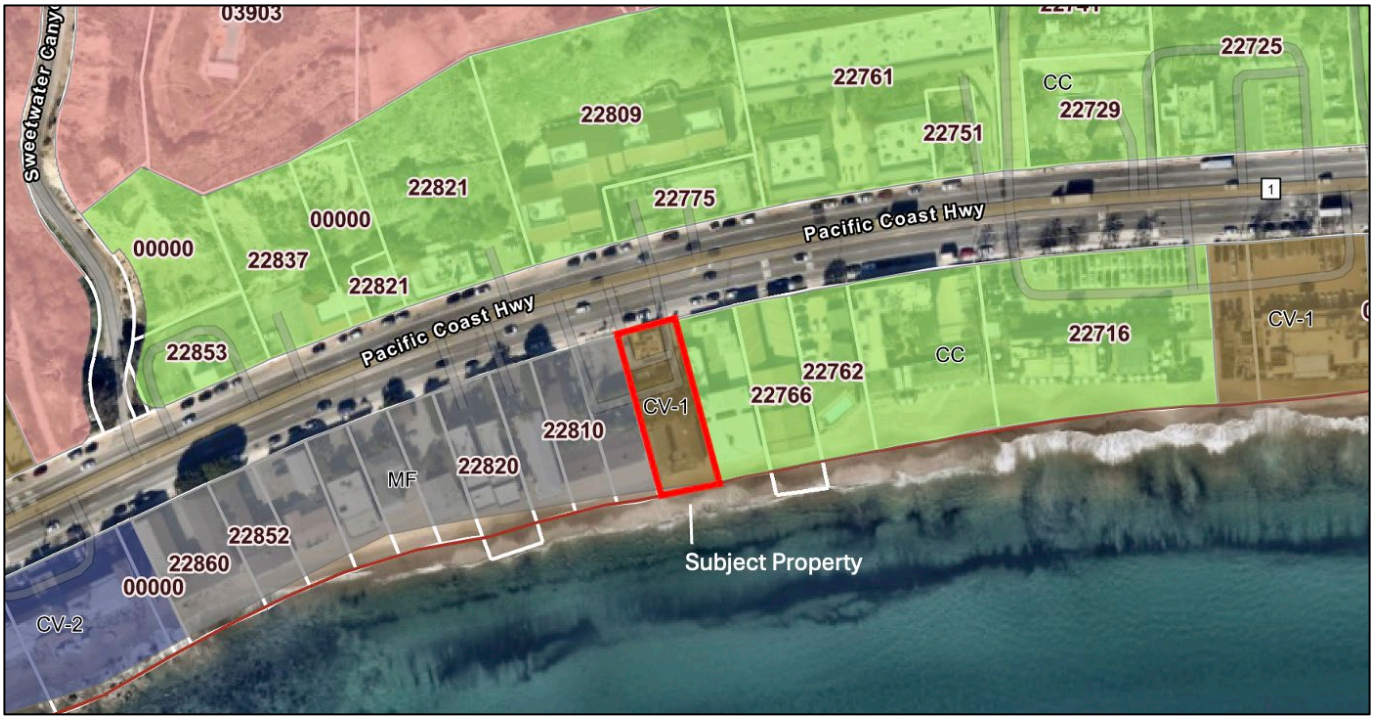


Source: City GIS

Table 1 below provides a list of the immediately adjacent land uses. The property is zoned CV-1 and bordered by PCH to the north and the Pacific Ocean to the south. The property to the east is zoned Community Commercial (CC) and also contains a mix of multi-family and commercial uses. The property to the west is zoned Multi-Family Residential (MF) and contains multi-family residential developments. On the north side of PCH is a corridor of commercial development located in the CC zoning designation.

Table 1 – Surrounding Land Uses				
Direction	**Address**	**Lot Size**	**Zoning**	**Land Use**
North	22775 PCH	0.25 acre	CC	Commercial
South	N/A – Pacific Ocean	N/A	N/A	N/A
West	22806 PCH	0.21 acre	MF	Multi-Family Residential
East	22772 PCH	0.29 acre	CC	Commercial and Multi-Family Residential

Figure 2: Existing Zoning



Source: City GIS

Table 2 provides a summary of the lot dimensions and lot area of the subject property.

Table 2 – Total Property Data	
Lot Depth	186 feet
Lot Width	68.5 feet
Gross Lot Area	11,725 square feet
Net Lot Area	9,025 square feet

*Net Lot Area = Gross Lot Area minus the area of access easements and 1 to 1 slopes.

Project Description

The project proposes a change of use for the subject property which includes the existing non-conforming multi-family buildings, currently being used for both STRs less than 30 days and long-term rentals, to a motel use which is a conditionally permitted use in the CV-1 zoning district. The CUP request does not include any structural alterations, construction, additions, or demolition to the subject property. The two buildings contain a

total of nine residential units, each of which is proposed to be converted into a motel room. The motel's management, maintenance, and housekeeping services will be provided by the contracted third-party providers that are currently servicing the existing STR use of the residential units, rented for periods of 30 days or less. The existing, vacant commercial building is proposed to be utilized as the motel manager's office and the existing statue would remain in place.

Nonconformities

The subject property's surface parking lot and landscaping currently contain unpermitted modifications. Converting the existing parking configuration and circulation of the property back to its approved 1986 site plan configuration results in non-conformities regarding parking space dimensions and turning radius width per LCP Local Implementation Plan (LIP) Section 3.14 and MMC Chapter 17.48 (Off-Street Parking and Loading Requirements). However, it reverts the parking lot back to its last approved site plan. The unpermitted modifications resulted in fewer parking spaces and narrower aisle widths. APR No. 22-017, approved in May 2023, contains a reconfigured site plan which brings the site closer into compliance with current parking and landscaping regulations.

The existing structures and site improvements were legally created and therefore, can be continuously maintained as provided for in LIP Section 13.5 and MMC Chapter 17.60 (Nonconforming Structures and Uses).

Change of Use & Consistency with State Housing Law

The change of use from multi-family residential to commercial visitor-serving motel does not trigger any associated provisions of California Government Code 66300, et al., related to 'no net loss' in residential capacity. The proposed project is not a legislative change that reduces the capacity for housing. The subject property is not a Regional Housing Needs Assessment (RHNA) housing inventory site and the proposed project is not a housing development that would require replacement of demolished units. Units began to be utilized as STRs in 2015 with all nine units being STRs by 2022. The applicant has been issued STR permits via the City since the permitting program's inception in 2021. The change of use to motel continues the existing transitory lodging use and makes it a conforming use in the CV-1 zoning district with no changes to the structures.

LCP Analysis

The LCP consists of the Land Use Plan (LUP) and the LIP. The LUP contains programs and policies to implement the Coastal Act in Malibu. The LIP contains provisions to carry out the policies of the LUP to which every project requiring a CDP must adhere.

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality,

and 5) OWTS. These chapters do not required findings. The proposed project does not result in any changes to the analysis provided in the original report as it pertains to all these LIP chapters, except for Zoning. The proposed project's consistency with the Zoning provisions is discussed in the *LIP Conformance Analysis* section below.

The nine remaining LIP chapters contain required findings: 1) CDP; 2) Environmentally Sensitive Habitat Area (ESHA); 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. The discussion below has been limited to those LIP chapters and conformance issues potentially affected by the proposed project. CDP findings are made below.

LIP Conformance Analysis

The Planning Division and the Environmental Health Division have reviewed the proposed project for conformance with the LCP (Attachment 3). The proposed project is in conformance with all applicable LCP codes, standards, goals, and policies.

Zoning (LIP Chapter 3)

The proposed project is subject to the CV-1 zoning standards set forth under LIP Section 3.3. The proposed project meets those standards and has been determined to be consistent with all LCP codes, standards, goals, and policies with the inclusion of the discretionary request.

Grading (LIP Chapter 8)

LIP Section 8.3 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards per acre for a commercial parcel. The proposed project does not include grading; therefore, the provisions of LIP Section 8.3 do not apply.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures are followed to determine potential impacts on archaeological resources. The proposed project does not include geologic testing, excavation or construction; therefore, the provisions of LIP Chapter 11 do not apply.

New Luxury Overnight Accommodations (LIP Section 12.10)

LIP Section 12.10 states the City may approve new luxury overnight visitor accommodations if the evidence shows that the project provides a component of lower cost overnight visitor accommodations, such as a campground, RV park, hostel, or lower cost hotel or motel rooms. The LIP requires the applicant to provide lower cost overnight accommodations consisting of 15 percent of the number of luxury overnight

accommodations that are approved. Luxury overnight accommodations are defined as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu.

The applicant provided a Room Rate Analysis (Attachment 4) which analyzes the average nightly room cost of the six existing hotels/motels within the City of Malibu by sourcing the rates of each room on the same dates in January 2025 and July 2025 using both weekday and weekend rates. The analysis establishes the average room rate of the six hotels/motels to be $1,004 per night and an overall median cost of $616 per night. Based on the established median rate of 120% and per the definition of “luxury overnight accommodations”, a nightly rate must be a minimum of $740 to fall into such category. The applicant states that the proposed motel on the subject property will have an average nightly room rate of $415 which is well below the 120% median. Therefore, the proposed motel does not qualify as a luxury overnight accommodation and the requirements of LIP Section 12.10 do not apply.

Water Quality (LIP Chapter 17)

LIP Chapter 17 contains requirements for water quality protection and requirements of the State Water Resources Control Board (SWRCB). The subject property is located outside of the designated Area of Special Biological Significance (ASBS) between Latigo Point and the west City limits as established by the SWRCB as part of the California Ocean Plan. In addition, the proposed project does not include construction activities; therefore, the provisions of Chapter 17 do not apply.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses the siting, design, and performance requirements of onsite wastewater treatment systems (OWTS). The proposed project does not include a new OWTS nor does it include new or additional drainage fixtures; therefore, the provisions of LIP Chapter 18 do not apply.

The proposed project was reviewed by the Environmental Health Division and the proposed change of use does not require OWTS upgrades. The existing system is sufficient to accommodate the motel use as there is no increase in intensity of use. The subject property was issued an OWTS Operating Permit (OP 25-0040) by the Environmental Health Division on January, 27, 2025 and the permit expires on January 15, 2027.

LIP Findings

A. Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all CDPs. As discussed above, the proposed project, as conditioned, conforms to the LCP in that it meets the required commercial beachfront development standards.

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

The Planning Division and Environmental Health Division reviewed the proposed project for conformance with the LCP. The proposed project, as conditioned, conforms to the certified City of Malibu LCP in that it meets all applicable zoning standards in LIP Chapter 3 (Zoning) and other relevant sections of the LIP including LIP Section 12.10 (Public Access) and LIP Chapter 18 (OWTS).

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

The subject property is located between the first public road and the sea. The project does not propose any construction or alterations to the existing structures. The project is limited to change of use from multi-family residential/commercial to commercial visitor-serving motel. Therefore, there are no impacts to physical public access or recreation by the project.

LIP Section 12.10 states the City may approve new luxury overnight visitor accommodations if the evidence shows that the project provides a component of lower cost overnight visitor accommodations, such as a campground, Recreational Vehicle park, hostel, or lower cost hotel or motel rooms. The LIP requires the applicant to provide lower cost overnight accommodations consisting of 15 percent of the number of luxury overnight accommodations that are approved. Luxury overnight accommodations are defined as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu.

The applicant provided a Room Rate Analysis which analyzed the average nightly room cost of the six existing hotels/motels within the City of Malibu by sourcing the rates of each room on the same dates in January 2025 and July 2025 using both weekday and weekend rates. The analysis established the average room rate of the six hotels/motels to be $1,004 per night and an overall median cost of $616 per night. Based on the established median rate of 120% and per the definition of “luxury overnight accommodations”, a nightly rate must be a minimum of $740 to fall into such category. The applicant states that the proposed motel on the subject property will have an average nightly room rate of $415

which is well below the 120% median. Therefore, the proposed motel does not qualify as a luxury overnight accommodation and the requirements of LIP Section 12.10 do not apply. As such, the proposed project conforms to the public access and recreation policies of Chapter 3 for the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

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

This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts to coastal resources.

1. No Project – The 'no project' alternative would maintain the existing multi-family units, a use which is nonconforming in the CV-1 zone, and would continue the use of the units as both STRs and long-term rentals.

2. Proposed Project – The proposed project consists of a change of use from multi-family residential to commercial visitor-serving motel. The proposed motel use is a conditionally permitted use in the CV-1 zone subject to a CUP. The proposed project does not consist of any construction or alteration to the existing structures. The change of use does not present potentially significant impacts to coastal resources or environmentally damaging impacts due to no proposed changes to the existing structures or intensification of use.

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

The subject parcel is not located in an ESHA or ESHA buffer as depicted on the LCP ESHA and Marine Resources Map. Therefore, Environmental Review Board review was not required, and this finding does not apply.

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

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

C. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the subject property. Therefore, the findings of LIP Chapter 5 are not applicable.

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

The Scenic, Visual, and Hillside Resource Protection chapter governs those CDP applications concerning any lot that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject property abuts PCH and the existing structures are visible from PCH, an LCP-designated scenic highway, and the beach which is a public viewing area. However, the proposed project does not include any new construction and therefore, does not have the potential to create adverse impacts on scenic resources. Therefore, the findings in LIP Chapter 6 do not apply.

E. Transfer of Development Credit (LIP Chapter 7)

The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not application.

F. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity. The proposed project does not include any new construction and therefore, does not have the potential to create adverse impacts upon site stability or structural integrity. As a result, the findings in LIP Section 9.3 are not applicable.

G. Shoreline and Bluff Development (LIP Chapter 10)

The Shoreline and Bluff Development Chapter governs those CDP applications that include development on a parcel located along the shoreline as defined by the LCP. The required findings and analysis must be made for development located on a site along the shoreline or a coastal bluff where it is determined that the proposed project causes the potential to create adverse impacts upon said resources. The requested change of use is a beachfront property on the south side of PCH but the proposed project does not include any modification to the existing structures or new structures. No construction is proposed. As a result, the findings in LIP Section 10.3 are not applicable.

H. Public Access (LIP Chapter 12)

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

A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.

B. New development between the nearest public roadway and the sea.
C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
D. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

The project is new development between the nearest public roadway and the sea but does not result in blockage of any existing public access. Public access to the ocean exists nearby at an existing access path approximately 850 feet to the east of the subject property. The proposed project will not impede existing public access along the beach and therefore, the requirement for public access in LIP Section 12.4 does not apply and further findings are not required.

I. Land Division (LIP Chapter 15)

The project does not include a land division. Therefore, the findings of LIP Chapter 15 are not applicable.

MMC Findings

Conditional Use Permit Findings for New Motel Use (MMC Section 17.66.080)

The proposed CUP will allow for the existing, non-conforming multi-family residential use consisting of nine units to convert to a commercial visitor-serving motel with nine rooms and an ancillary motel manager's office, which is a conditionally permitted use in the CV-1 zoning district subject to a CUP. The Planning Commission may approve, deny, and/or modify a CUP in whole or in part, with or without conditions, provided that it makes all of the findings of fact required by MMC Section 17.66.080. All of the CUP findings are provided below.

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

Pursuant to MMC Section 17.26.030(C), a motel is a conditionally permitted use in the CV-1 zone. The requested CUP will enable the conversion of the existing, legal nonconforming residential units that are primarily being used as permitted STRs to a commercial visitor-serving motel. The motel would also use the existing commercial building for an ancillary motel manager's office. The proposed project has been reviewed for conformance with the MMC and LCP by the Planning Division and the City Environmental Health Administrator. As discussed herein, based on submitted reports, project plans, visual

analysis and site investigation, the proposed project, as conditioned, complies with all applicable provisions of the MMC and the LCP.

Finding 2. The proposed use would not impair the integrity and character of the zone in which it is to be located.

The proposed motel use is compatible with the uses in the vicinity of the subject property, which include retail, restaurants, the Malibu Pier, as well as other motels, hotels, and multi-family residential development. The existing residential units on the subject property have been utilized as permitted STRs since 2021, in accordance with the applicable requirements of MMC Chapter 17.55 (Short-Term Rental of Property). The CUP request would bring the use of the property into conformance with the commercial visitor-serving intent of the CV-1 zone. The CUP request does not include alterations to the existing structures. The proposed motel use will therefore conform with the intent of the CV-1 zone and surrounding environment because the primary use of the property would continue to provide commercial visitor-serving overnight accommodations.

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

The subject property is a beachfront property located along PCH and the surrounding development is comprised of restaurants, motels, retail, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development. Existing utilities which serve the subject property are located within the PCH right-of-way. The site is physically suitable for the proposed use as it contains the required amount of parking.

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

The property's surrounding neighborhood contains a variety of uses including hospitality and visitor-serving commercial uses, and multi-family residential uses. Further west of the property are the Malibu Pier and Surfrider Beach, which are prominent tourism locations in the city. The proposed motel use is compatible with the surrounding uses and will provide support for the existing visitor-serving uses in the surrounding area.

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

As discussed in Finding 4, the proposed use is compatible with the existing land uses within the CV-1 zone and surrounding commercial zones. Future land uses in the general area surrounding the subject property are expected to retain their current commercial and visitor-serving uses given the surrounding zoning districts. The intent of the CV-1 zone is to provide commercial and visitor-serving uses that serve residents, local visitors, and out-of-town visitors alike. Therefore, the proposed motel is compatible with the existing and future land uses within the CV-1 zone and the surrounding area.

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

The existing multi-family development contains adequate provisions for water, sanitation, and public utilities and services. The proposed motel use will have no greater impact on the water supply, sanitation, public utilities and/or services in comparison to the existing use and the proposed change in use would not constitute an intensification on the site and in no way be detrimental to public health and safety.

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

Access to the subject property is from PCH. The public, as well as emergency vehicles, would enter and exit the site via existing curb cuts for the entrance and exit along PCH. Therefore, there are adequate provisions for public access to serve the subject parcel.

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

The request for a conditionally permitted motel use on the subject property is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan. The General Plan defines the CV zone as providing visitor-serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Visitor-serving uses such as motels and hotels shall be consistent with compatible accessory uses, shall protect the surrounding properties, shall ensure safe traffic circulation and shall promote economically viable visitor-serving areas of the City.

The project is consistent with the following land use (LU) policies of the General Plan:

> LU Policy 3.2.1: The City shall permit the development of commercial recreational and visitor servicing facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking and, when feasible, are located where existing low cost recreational uses will be enhanced.
>
> LU Policy 4.1.2: The City shall encourage redesign and adaptive reuse of existing structures.
>
> LU Implementation Measure 67: Require a commercial planned development permit for any commercial development or change of use of existing development to assure compliance with current codes to enhance and upgrade the environment of the commercial areas.

LU Policy 6.1.1: The City shall use development standards and procedures that protect the property owners' reasonable use of their land consistent with the goals and policies of this General Plan.

The proposed visitor-serving motel use supports the General Plan's objective to permit the development of commercial visitor-serving facilities at suitable locations. The motel would contribute to the visitor-serving areas for use by tourists. The property will not be physically altered by the conditionally-permitted motel use. Therefore, the proposed motel use is in alignment with the General Plan's objective for visitor-serving facilities in suitable locations and to limit development impacts on the City's natural and environmental resources.

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

Motels are a conditionally permitted use in the CV-1 zoning district. The project has been reviewed by the Planning Division and the City Environmental Health Administrator. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the project, as conditioned, complies with all applicable requirements of State and local law.

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

The conditionally permitted motel use will be a compatible visitor-serving use in the immediate area for tourists and residents, particularly with the adjacent existing commercial uses, Malibu Pier and Surfrider Beach. The proposed use does not involve changes to the physical character of the property nor increase the intensity of use. Therefore, the motel use would not be detrimental to the public interest, health, safety, convenience or welfare.

Finding 11. If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

The proposed project does not involve any further development of the property. Therefore, the proposed project is not at risk from earth movement, flooding, liquefaction, or other potential hazards.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Community Development Director has analyzed the proposed project. The Community Development Director found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to Section 15301(a) – Existing Facilities. The Community Development Director

has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: To date, staff has not received correspondence regarding the subject application.

PUBLIC NOTICE: On November 6, 2025, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 5).

SUMMARY: The required findings can be made that the proposed project complies with the LCP and MMC. Further, the Planning Division's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 25-62. The proposed project has been reviewed and conditionally approved for conformance with the LCP by the Planning Division and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 25-62
2. Site Plan Approved by APR No. 22-017
3. Department Review Sheets
4. Room Rate Analysis
5. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 25-62

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 23-040 AND CONDITIONAL USE PERMIT NO. 21-008 FOR A CHANGE OF USE FROM EXISTING NON-CONFORMING MULTI-FAMILY RESIDENTIAL USE TO A CONFORMING, COMMERCIAL VISITOR-SERVING MOTEL USE AND THE UTILIZATION OF THE EXISTING, VACANT COMMERCIAL STRUCTURE AS AN ANCILLARY MOTEL MANAGER'S OFFICE ON A PROPERTY LOCATED IN THE COMMERCIAL VISITOR SERVING-ONE ZONING DISTRICT LOCATED AT 22800 PACIFIC COAST HIGHWAY (CARBON INVESTMENTS)

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

SECTION 1. Recitals.

A. On September 17, 2021, an application for Conditional Use Permit (CUP) No. 21-008 was submitted to the Planning Division by the applicant, Pacific Coast Management, LLC, on behalf of the property owners, Carbon Investments, for the change of use. The application was routed to the City Environmental Health Administrator for review. Coastal Development Permit (CDP) No. 23-040 was later added to the project because it includes a change in land use.

B. On October 27, 2021, Planning Division staff conducted a site visit to document the existing conditions.

C. On February 1, 2023, the CUP application was deemed complete for processing.

D. On June 22, 2023, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

E. On July 17, 2023, the Planning Commission continued the public hearing on the subject application to the August 7, 2023 meeting of the Planning Commission.

F. On August 7, 2023, the Planning Commission continued the item to a date uncertain.

G. On July 10, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

H. On August 4, 2025, the Planning Commission continued the item to a date uncertain.

I. On November 6, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

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J. On December 1, 2025, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA according to CEQA Guidelines Section 15301(a) – Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on the evidence contained within the record, including the agenda report for the project and the hearing on August 4, 2025, and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP), including Sections 13.7(B) and 13.9, and the Malibu Municipal Code (MMC), the Planning Commission makes the findings of fact below, and approves CDP No. 23-040 and CUP No. 21-008 for the change of use from an existing, nonconforming multi-family residential use to a conforming, commercial visitor-serving motel use and the utilization of the existing, vacant commercial structure as an ancillary motel manager's office on a property located in the Commercial Visitor Serving-1 (CV-1) zoning district located at 22800 Pacific Coast Highway (PCH).

The project is consistent with the LCP's zoning. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

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A. Coastal Development Permit Findings (LIP Chapter 13)

CDP No. 23-040 would authorize a change in use from multi-family residential with nine units to a commercial visitor-serving motel with nine guest rooms and an ancillary motel manager's office. No other conditionally allowed uses in the CV-1 zone are authorized by this CDP.

1. The proposed project has been reviewed for conformance with the LCP by the Planning Division and the Environmental Health Department. The proposed project, as conditioned, conforms to the certified City of Malibu LCP in that it meets all the required zoning standards.

2. The subject parcel is located between the first public road and the sea. The project does not propose any construction or alterations to the existing structures. Therefore, there are no impacts to public access or recreation by the project. LIP Section 12.10 states the City may approve new luxury overnight visitor accommodations if the evidence shows that the project provides a component of lower cost overnight visitor accommodations, such as a campground, Recreational Vehicle park, hostel, or lower cost hotel or motel rooms. The LIP requires the

applicant to provide lower cost overnight accommodations consisting of 15 percent of the number of luxury overnight accommodations that are approved. Luxury overnight accommodations are defined as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu. The applicant provided a Room Rate Analysis which analyzed the average nightly room cost of the six existing hotels/motels within the City of Malibu by sourcing the rates of each room on the same dates in January 2025 and July 2025 using both weekday and weekend rates. The analysis established the average room rate of the six hotels/motels to be $1,004 per night and an overall median cost of $616 per night. Based on the established median rate of 120% and per the definition of "luxury overnight accommodations", a nightly rate must be a minimum of $740 to fall into such category. The applicant states that the proposed motel on the subject property will have an average nightly room rate of $415 which is well below the 120% median. Therefore, the proposed motel does not qualify as a luxury overnight accommodation and the requirements of LIP Section 12.10 do not apply. As such, the proposed project conforms to the public access and recreation policies of Chapter 3 for the Coastal Act of 1976.

3. The proposed project consists of a change of use from multi-family residential to a motel. The proposed motel use is a conditionally permitted use in the CV-1 zone. The proposed project does not consist of any construction or alteration to the existing structures. The change of use does not present potentially significant impacts to coastal resources or environmentally damaging impacts due to no proposed changes to the existing structures.

B. Conditional Use Permit Findings (MMC Chapter 17.66)

CUP No. 21-008 would permit the conversion of the existing multi-family residential use with nine units to a commercial visitor-serving motel with nine guest rooms and an ancillary motel manager's office. No other conditionally allowed uses in the CV-1 zone are authorized by this CUP.

1. Per MMC Section 17.26.030.C, a motel is a conditionally permitted use in the CV-1 zone. The requested CUP will enable the conversion of the existing nonconforming residential units that are primarily being used as nightly Short-Term Rentals (STRs), to a conforming visitor-serving motel. The proposed project has been reviewed for conformance with the MMC and LCP by the Planning Division and City Environmental Health Administrator. The proposed project complies with all applicable provisions of the MMC and LCP including in LIP Chapter 3 (Zoning) and other relevant sections of the LIP including LIP Section 12.10 (Public Access) and LIP Chapter 18 (OWTS).

2. The proposed motel use is compatible with the uses in the vicinity of the subject property, including retail, restaurants, the Malibu Pier, as well as other motels, hotels, and multi-family residential development. The existing residential units on the subject property have been utilized as permitted STRs since 2021, in accordance with the applicable requirements of MMC Chapter 17.55. The CUP request will bring the use of the property into conformance with the visitor-serving intent of the CV-1 zone. The CUP request does not include alterations to the structure. The motel use will therefore conform with the intent of the CV-1 zone and surrounding environment because the primary use of the property would continue to be affordable visitor-serving overnight accommodations.

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3. The subject property is a beachfront property located along PCH with nearby restaurants, retail, motels, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development. Existing utilities that serve the subject property are located within the PCH right-of-way. The site is physically suitable for the proposed use as it contains the required amount of parking.

4. The property's surrounding neighborhood contains a variety of uses including hospitality and visitor-serving commercial uses, and multi-family residential uses. Further west of the property are Malibu Pier and Surfrider Beach, which are prominent tourism locations in the city. The proposed motel use is compatible with the surrounding uses and will provide support for the existing visitor-serving uses in the surrounding area.

5. As discussed in Finding 4, the proposed use is compatible with the existing land uses within the CV-1 zone and surrounding commercial zones. Future land uses in the general area surrounding the subject property are expected to retain their current commercial and visitor-serving uses given the surrounding zoning districts. The intent of the CV-1 zone is to provide commercial and visitor-serving uses that serve residents, local visitors, and out-of-town visitors alike. Therefore, the proposed motel use is compatible with the existing and future land uses within the CV-1 zone and the surrounding area.

6. The existing multi-family structures contain adequate provisions for water, sanitation, and public utilities and services. The proposed motel use will have no greater impact on the water supply, sanitation, public utilities and/or services in comparison to the existing use and the proposed change in use would not constitute an intensification on the site and in no way be detrimental to public health and safety.

7. Access to the subject property is from PCH. The public, as well as emergency vehicles would enter and exit via existing curb cuts for the entrance and exit along PCH. Therefore, there are adequate provisions for public access to serve the subject parcel.

8. The request for a conditionally-permitted motel use on the subject property is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan. The General Plan defines the CV-1 zone as providing visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Visitor serving uses such as motels and hotels shall be consistent with compatible accessory uses, shall protect the surrounding properties, shall ensure safe traffic circulation and shall promote economically viable visitor serving areas of the City.

The project is consistent with the following land use (LU) policies of the General Plan:

> **LU Policy 3.2.1:** The City shall permit the development of commercial recreational and visitor servicing facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking and, when feasible, are located where existing low cost recreational uses will be enhanced.
>
> **LU Policy 4.1.2:** The City shall encourage redesign and adaptive reuse of existing structures.

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LU Implementation Measure 67: Require a commercial planned development permit for any commercial development or change of use of existing development to assure compliance with current codes to enhanced and upgrade the environment of the commercial areas.

LU Policy 6.1.1: The City shall use development standards and procedures that protect the property owners' reasonable use of their land consistent with the goals and policies of this General Plan.

The proposed visitor-serving motel use supports the General Plan's objective to permit the development of commercial visitor-serving facilities at suitable locations. The motel would contribute to the visitor-serving areas for use by tourists. The property will not be physically altered by the conditionally-permitted motel use. Therefore, the proposed motel use is in alignment with the General Plan's objective for visitor-serving facilities in suitable locations and to limit development impacts on the City's natural and environmental resources.

9. Motels are a conditionally permitted use in the CV-1 zoning district. The project has been reviewed by the Planning Division and the City Environmental Health Administrator. As discussed herein, based on the submitted reports, project plans, visual analysis and site investigation, the project, as conditioned, complies with all applicable requirements of State and local law.

10. The conditionally-permitted motel use will be a compatible visitor-serving use in the immediate area for tourists and residents, particularly with the adjacent existing commercial uses, Malibu Pier and Surfrider Beach. The proposed use does not involve changes to the physical character of the property nor increase the intensity of use. Therefore, the motel use would not be detrimental to the public interest, health, safety, convenience or welfare.

11. The proposed project does not involve any further development of the property. Therefore, the proposed project is not at risk from earth movement, flooding, liquefaction, or other potential hazards.

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SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 23-040 and CUP No. 21-008, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

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

City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
   a. Change of use from an existing multi-family residential use with nine units to a commercial visitor-serving motel (as defined in LIP §2.1) with nine guest rooms and an ancillary motel manager's office.
   b. No development is approved.
   c. No onsite food or alcohol service is approved.

3. Except as specifically changed by conditions of approval, the authorized use must be operated in substantial conformance with the approved scope of work.

4. The operation of the authorized use shall comply with all conditions of approval stipulated in this Resolution.

5. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes, and returns the Acceptance of Conditions Affidavit for Recordation accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Division within 30 days of this decision or prior to issuance of any subsequent permits from the City.

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

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

8. All development shall conform to the requirements of the City of Malibu Environmental Sustainability Division and City Environmental Health Administrator as applicable. Notwithstanding this review, all required permits shall be secured.

9. Minor changes to the conditions of approval may be approved by the Community Development Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code.

10. The property owner must submit payment for all outstanding fees payable to the City prior to commencement of the conditionally permitted use.

Site-Specific Conditions

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

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

13. No other new signage is permitted under this application; a sign permit shall be submitted and approved by the Planning Division prior to installation of any new sign or modification of existing signage.

14. Unless exterior lighting is approved by the City, no exterior lighting is permitted under this permit.

15. Should the commercial structure fronting PCH not operate as an ancillary motel manager's office, an amendment to this CUP shall be required for any proposed change of use.

16. The Community Development Department shall inspect the Property (as needed) to verify compliance with the conditions of approval.

17. The CUP may be reviewed by the Community Development Director (or designee) and/or Planning Commission on an as-needed basis at the discretion of the Community Development Director (or designee) or Planning Commission. Should it be determined that a review is required, the Property Owners shall pay the Planning Division site inspection fee in effect at the time of request for a site inspection. A planner will conduct a site visit to verify compliance with the provisions set forth in this resolution. If necessary, the Community Development Director (or designee) will determine whether the CUP may be brought back to the Planning Commission for additional conditions to mitigate and/or prevent nuisances that were identified during the site inspection or made aware of by members of the public. Possible mitigation measures can include:
    a. Modifying the hours of operation;
    b. Incorporate noise mitigating measures / devices;
    c. Traffic safety measures;
    d. Land use intensification or reconfiguration of any shared parking (if applicable) that would result in a parking demand greater than approved under this CUP; or
    e. Other measures deemed necessary by the Planning Commission.

18. The Community Development Department shall inspect the Property (as needed) to verify compliance with the conditions of approval.

Fixed Conditions

19. The conditions under which this CUP was approved may be modified by the City without the consent of the property owner, tenant or operator if the Planning Commission finds that the use is creating a nuisance.

20. A CUP that is valid and in effect, and was granted pursuant to the provisions of the MMC, shall run with the land and continue to be valid upon change of ownership of the land or lawfully existing structure.

21. Violation of any of the conditions of approval shall be cause for revocation of the CUP and termination of all rights contained therein.

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22. This CUP shall become subject to revocation should the use for which the conditional use permit was granted cease for six successive calendar months after the start of operations, except in the case of natural disaster.

23. If it has cause to believe that grounds for modification or revocation may exist, the Planning Commission shall hold a public hearing upon the question of modification or revocation of this conditional use permit pursuant to MMC Section 17.66.100(C). The CUP may be revoked if the Planning Commission finds that one or more of the following conditions exists:
    a. The CUP was obtained in a fraudulent manner.
    b. The use for which the CUP was granted has ceased or was suspended for at least six successive calendar months, absent a natural disaster.
    c. One or more of the conditions found within this resolution have not been substantially met.

SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 1st day of December 2025.

ELIZABETH RIDDICK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

LOCAL APPEAL – Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 246.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 25-62 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 1st day of December 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

DRAFT

Received
10/6/2022
Planning Dept.

NEW LANDSCAPING KEY

DWARF NON-FRUITING OLIVE TREE
(36 TOTAL)

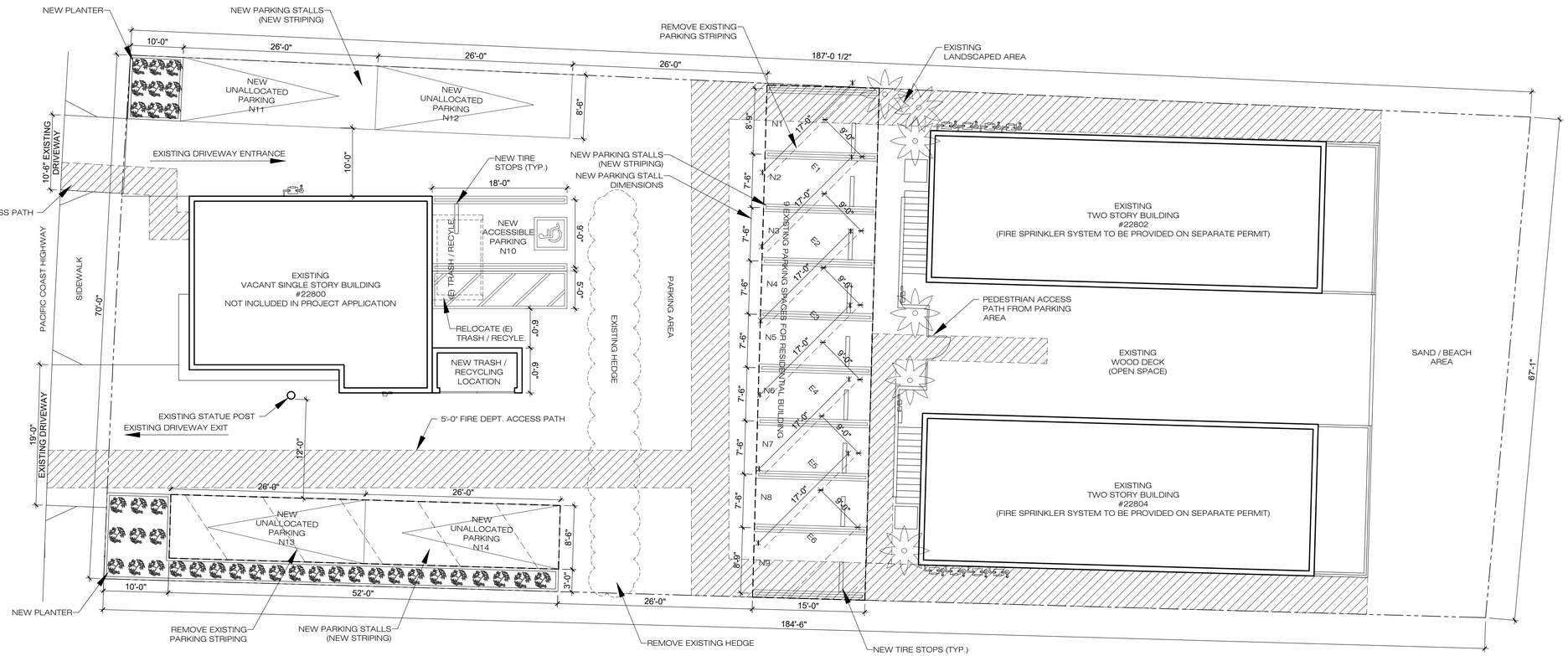
PARKING DIAGRAM KEY

EXISTING PARKING
E1,E2,E3,E4,E5,E6 STRIPING

NEW PARKING
N1, N2, N3, N4, N5, N6, N7, N8, N9
N10, N11, N12, N13, N14 STRIPING

AREA CALCULATIONS

LAND AREA (GROSS):	11,725 SQ. FT.
LAND AREA (NET):	9,025 SQ. FT.
SITE COVERAGE	
UNALLOCATED BUILDING:	598 SQ. FT.
RESIDENTIAL BUILDING:	2,100 SQ. FT.
COVERAGE:	23%
LANDSCAPED AREAS	
PLANTERS:	356 SQ. FT.
PAVED PEDESTRIAN AREAS:	320 SQ. FT.
TOTAL:	676 SQ. FT.
PARKING SUMMARY	
RESIDENTIAL:	9 SPACES
ACCESSIBLE SPACE:	1 SPACE
UNALLOCATED:	4 SPACES
TOTAL PARKING PROVIDED:	14 SPACES



N

SITE PLAN

SCALE 1/8" = 1'-0"

1

DATE	ISSUE/REVISION
09-27-2022	PLANNING REVIEW

HERBER DESIGN
ARCHITECTURE + INTERIORS
830 TEAGUE DR. SANTA PAULA, CA 93060 T: 310.428.0867

22802-22804 P.C.H.
22802-22804 PACIFIC COAST HWY. MALIBU, CA 90265
APN # 4452-004-032

ARCHITECT
CAPITOLINE DESIGN INC. D.B.A.
HERBER DESIGN
JASON HERBER C35679
830 TEAGUE DR.
SANTA PAULA, CA 93060
T: 310.428.0867

STRUCTURAL ENGINEER

DRAWING TITLE:
SITE PLAN

DRAWING NUMBER:
A-1.00

ATTACHMENT 2

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator

FROM: City of Malibu Planning Department **DATE:** 9/15/2021

PROJECT NUMBER:	CUP 21-008
JOB ADDRESS:	22800 PACIFIC COAST HWY
APPLICANT / CONTACT:	Val Zingaro, Pacific Coast Management, LLC
APPLICANT ADDRESS:	PO BOX 25070 Ventura, CA 93002
APPLICANT PHONE #:	(718)483-1995
APPLICANT FAX #:	
APPLICANT EMAIL:	Val@pcmllc.com
PROJECT DESCRIPTION:	Convert apartments to Motel

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

☒ **Conformance Review Complete** for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

_____ **Conformance Review Incomplete** for the City of Malibu LCP/LIP and MMC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☐ **NOT REQUIRED**

☐ **REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Matthew Summers — October 7, 2021 (rev. July 24, 2025)

Signature **Date**

The applicant must submit to the City of Malibu Environmental Health Specialist to determine whether or not an onsite wastewater treatment system (OWTS) Plot Plan approval is required.

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.

City of Malibu

Environmental Health ● Environmental Sustainability Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Val Zingaro, Pacific Coast Management Val@pcmllc.com		
Project Address:	**22800 Pacific Coast Highway (Apartments)** Malibu, California 90265		
Planning Case No.:	CUP 21-008		
Project Description:	Convert apartments to Motel		
Date of Review:	October 7, 2021 (rev. July 24, 2025)		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489 ext. 307	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	LA Drafter: Plans dated 8-26-2013 (received 9-27-2021)
Fixture Worksheet:	
Operating Permit:	Active; expires 1-15-2023
Miscellaneous:	LA County: OWTS approval dated 5-21-1987
Previous Approval:	
Previous Reviews:	

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	☐	**CONFORMANCE REVIEW INCOMPLETE** for the City of Malibu LCP/LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	☒	**NOT REQUIRED**
	☐	**REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Environmental Health **conformance review** has been completed for the development proposal described in the project description provided by the Planning Department and the project plans and reports submitted to this office. Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the project. In order to obtain Environmental Health final approval of the project construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Recycled Paper

Conditions of Planning Conformance Review for Building Plan Check Approval:

1) **Building Plans:** All final project plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

   The final floor plans must show no more than 9 bedrooms and 94 drainage fixture units across the 9 units.

2) **Remodel and OWTS Upgrade:** Per Section 15.40.050 of the Malibu Municipal Code, any renovation (i.e., interior remodel) of the units will require upgrade to an advanced onsite wastewater treatment system. The applicant shall confirm in writing that no remodel is included in the current scope of work prior to Environmental Health Building Plan Check approval. Please submit existing and proposed floor plans, as appropriate.

3) **Environmental Health Final Review Fee:** A fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health Building Plan Check review.

-o0o-

If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file
Planning Department

Recycled Paper

22800 PCH - Room Rate Analysis

On July 17, 2023, the California Coastal Commission ("CCC") and the Mountain Recreation & Conservation Authority ("MRCA") each submitted letters with their comments on our project, 22800 Pacific Coast Highway. Both letters expressed interest and concern regarding the nightly rates at our proposed project and luxury overnight accommodations.

The CCC and MRCA requested proposed pricing of the rooms, an analysis of the median cost of an overnight room in the City of Malibu, and findings on whether the cost meets the definition of luxury overnight accommodations under the Malibu LCP.

Pricing / Room Rates 22800 PCH

The two multi-family buildings consist of nine units that are currently operated as permitted short term rentals. All the units are listed on and available for booking via the Airbnb and VRBO online travel agent platforms, we have used the actual rates for this study.

The 2025 Average Nightly Room Rate is: $415 per night.

There are currently six motel and or hotels in the City of Malibu, M Malibu, The Surfrider, Malibu Beach Inn, Malibu Country Inn, Hotel June Malibu, and the Nobu Ryokan Hotel.

The table below provides the average nightly room cost at each location. The table also identifies whether the motel or hotel is or is not an ocean front location as this will be important to reference and consider with respect to affordable visitor serving ocean front accommodations.

Average Nightly Cost Table

Hotel / Motel Name	Ocean Front	Average Room Rate
Nobu	Yes	$2,847
Malibu Beach Inn	Yes	$1,276
Surfrider	No	$752
Hotel June	No	$480
Malibu Country Inn	No	$380
M Motel	No	$289
Total Average Room Rate		**$1,004**
22800 PCH	Yes	$415
Median Room Rate		**$616**

Based on published 2025 rates;

The **median cost** of an overnight room in the City of Malibu is: **$616**

The **average cost** of an overnight room in the City of Malibu is: **$1,004**

Analysis of 2025 Median Motel and Hotel Room Nightly Rate

The median nightly rate was completed by sourcing the rates of each room within the City of Malibu on the same dates in January 2025 and July 2025, high and low season, using both weekday and weekend night rates at each hotel and motel to establish the location's average nightly rate and then identifying the median rate of all rooms.
All Malibu hotel and motel rates fluctuate throughout the year based on weather, demand, and other factors. When compared to the rates of all overnight accommodations within the City at the same time throughout the year, the project 's average room rates are less than 120% of the median rate.

Luxury Accommodation	**120% Median Rate $616/nt =**	**$740**

Findings

Finding 1. Luxury Overnight Accommodation

Per section 12.10 of the Malibu LIP, Luxury overnight accommodation is defined as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu.

The proposed project does not meet the definition of Luxury overnight accommodation. The average nightly cost for a room is in fact substantially less than the median cost of an overnight room as can be seen by the analysis of the average nightly cost table for all other overnight rooms available in the City of Malibu.

Finding 2. Moderate / Affordable and Lower-Cost Overnight Coastal Accommodations

Our analysis shows that the project will provide the only moderate-cost ocean front rooms and the only non-luxury ocean front rooms in the City of Malibu.

Room Availability in the City of Malibu	
Total Rooms	130
Coastal Rooms	63
Non-Coastal Rooms	67
Luxury Rooms	83
Non-Luxury Rooms	47
Non-Luxury Ocean Front Rooms	**0**

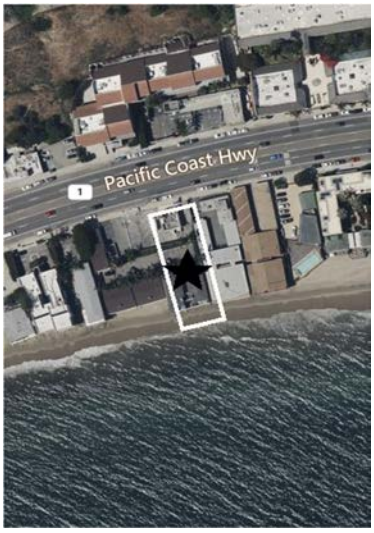
Two of the rooms (more than 20% of the project) provide **lower-cost overnight accommodations** at an average of only **$208 per night**.

This Ocean Front project does not meet the definition of Luxury Accommodations. It provides Lower-Cost Overnight accommodations, visitor and recreational facilities and opportunities to the public which should be encouraged.

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

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, December 1, 2025, at 6:30 p.m**. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA for the project identified below. Public comment can be submitted ahead of the public hearing to planningcommission@malibucity.org for inclusion in the public record. To participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation.

COASTAL DEVELOPMENT PERMIT NO. 23-040 AND CONDITIONAL USE PERMIT NO. 21-008 - An application for a change of use from an existing, multi-family structure to a conforming, visitor-serving motel use and utilization of the existing, vacant commercial structure as an ancillary motel manager's office

LOCATION / APN / ZONING:	**22800 Pacific Coast Hwy** / 4452-004-032 / Commercial Visitor-Serving-One (CV-1)
APPLICANT / OWNER:	Pacific Coast Management, LLC / Carbon Investments, LP
APPEALABLE TO:	City Council and California Coastal Commission
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15301(a)
APPLICATION FILED:	September 17, 2021
CASE PLANNER:	Adam Pisarkiewicz, Contract Planner, pisarkiewicz@civicsolutions.com (949) 489-1442

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

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

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission's approval directly to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. More information may be found online at www.coastal.ca.gov or by calling 805-585-1800.

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

YOLANDA BUNDY, Community Development Director — Date: November 6, 2025

ATTACHMENT 5

Received
8/4/25
Planning Div.

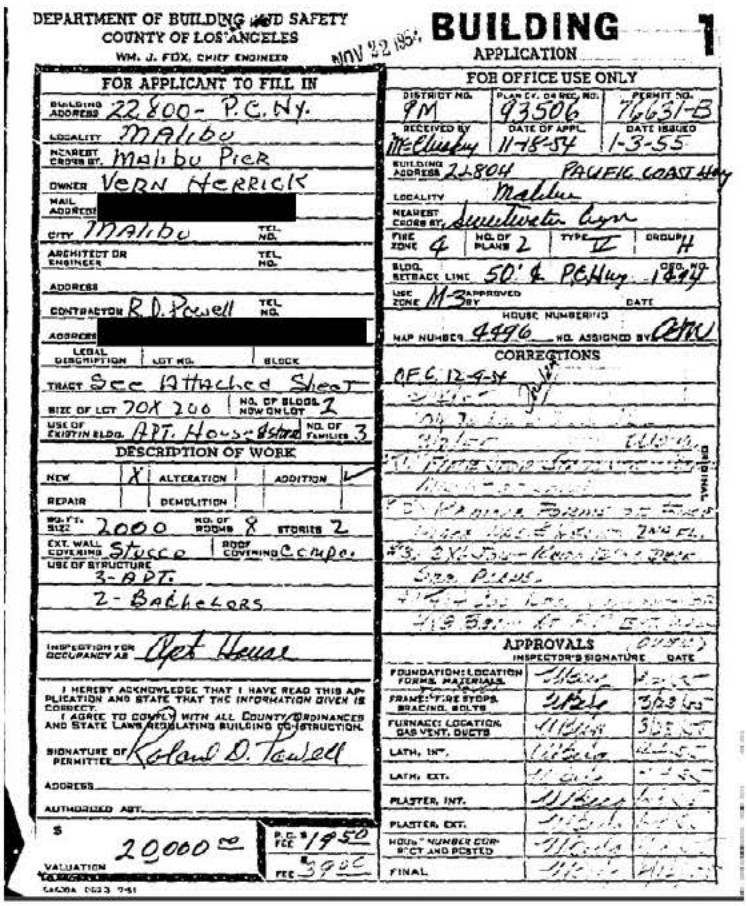
From: Malibu Township Council
To: Planning Commission; John Mazza; Marni Kamins; Drew Leonard; Elizabeth Riddick; Skylar Peak
Cc: Rebecca Evans; Bill Sampson; Patt Healy; R. Y. A. N.; Jo Drummond
Subject: Item 5 B - CDP 23-040 CUP - 21-008 - La Salsa Motel and former commercial space
Date: Sunday, August 3, 2025 9:14:05 PM
Attachments: originalfixturecount222800pch2.png
originalfixturecount22800pch.png
originalbuildingpermit22800pch.png
MTCoppositionlasalsamotelrevised3.docx
20104452-004-032 22800 PACIFIC COAST HWY - 4452-004-032 - OPERATING PERMIT PACKAGE - - 1 13 2010 -.pdf
20164452-004-032 22800 PACIFIC COAST HWY - 4452-004-032 - OPERATING PERMIT PACKAGE - - 5 26 2015 -.pdf
20184452-004-032 22800 PACIFIC COAST HWY - 4452-004-032 - OPERATING PERMIT PACKAGE - - 5 31 2018 - 1 15 2019.pdf
CDP 23-040 - 22800 PACIFIC COAST HWY - 4452-004-032 - CORRESPONDENCE - INCOMPLETE LETTER.pdf
CDP 23-040 - 22800 PACIFIC COAST HWY - 4452-004-032 - DEPT REVIEW - ENV. HEALTH (APPROVAL).pdf
PA 12-033 - 22800 PACIFIC COAST HWY - 4452-004-032 - PRE-APPLICATION DETERMINATION LETTER.pdf

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Here is the latest amended version of Malibu Township Council's opposition to the La Salsa Motel and the attachments referenced.

Thank you,

Bill Sampson
President, Malibu Township Council



DEPARTMENT OF BUILDING AND SAFETY
COUNTY OF LOS ANGELES
WM. J. FOX, CHIEF ENGINEER

BUILDING APPLICATION 1

NOV 22 1954

FOR APPLICANT TO FILL IN

BUILDING ADDRESS 22800 - P.C.Hy.
LOCALITY Malibu
NEAREST CROSS ST. Malibu Pier
OWNER VERN HERRICK
MAIL ADDRESS [redacted]
CITY Malibu TEL. NO.
ARCHITECT OR ENGINEER TEL. NO.
ADDRESS
CONTRACTOR R. D. Powell TEL. NO.
ADDRESS [redacted]
LEGAL DESCRIPTION: LOT NO. BLOCK
TRACT See Attached Sheet
SIZE OF LOT 70X 200 NO. OF BLOCK ON LOT 2
USE OF EXISTING BLDG. APT. House-Store NO. OF FAMILIES 3

DESCRIPTION OF WORK

NEW X ALTERATION ADDITION
REPAIR DEMOLITION
SQ. FT. SIZE 2000 NO. OF ROOMS 8 STORIES 2
EXT. WALL COVERING Stucco ROOF COVERING Comp.
USE OF STRUCTURE
3-APT.
2-Bachelors
INSPECTION FOR OCCUPANCY AS Apt House

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION GIVEN IS CORRECT. I AGREE TO COMPLY WITH ALL COUNTY ORDINANCES AND STATE LAWS REGULATING BUILDING CONSTRUCTION.

SIGNATURE OF PERMITTEE Roland D. Powell
ADDRESS
AUTHORIZED AGT.

$ 20,000 00 VALUATION
P.C. FEE 19 50
FEE 39 00

FOR OFFICE USE ONLY

DISTRICT NO.	PLAN CK. OR SEC. NO.	PERMIT NO.
9M	93506	76631-B
RECEIVED BY	DATE OF APPL.	DATE ISSUED
McElwaney	11-18-54	1-3-55

BUILDING ADDRESS 22804 PACIFIC COAST Hwy
LOCALITY Malibu
NEAREST CROSS ST. Sweetwater Cyn
FIRE ZONE 4 NO. OF PLANS 2 TYPE V GROUP H
BLDG. SETBACK LINE 50' & PCHwy CERT. NO. 1844
USE ZONE M-3 APPROVED BY DATE
HOUSE NUMBERING
MAP NUMBER 4496 NO. ASSIGNED BY CHW

CORRECTIONS
OFC 12-9-54

APPROVALS

	INSPECTOR'S SIGNATURE	DATE
FOUNDATION: LOCATION, FORMS, MATERIALS		
FRAME: FIRE STOPS, BRACING, BOLTS		
FURNACE: LOCATION, GAS VENT, DUCTS		
LATH, INT.		
LATH, EXT.		
PLASTER, INT.		
PLASTER, EXT.		
HOUSE NUMBER CORRECT AND POSTED		
FINAL		

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 8/4/25 Time 7:30 AM
Planning Commission meeting of 8/4/25
Agenda Item No. 5B
Total No. of Pages 47

DEPARTMENT OF BUILDING AND SAFETY
COUNTY OF LOS ANGELES
WILLIAM J. FOX, CHIEF ENGINEER

APPLICATION FOR PERMIT
PLUMBING 1

FOR APPLICANT TO FILL IN

PLUMBER NATIONAL PLBG. MFG. CO. INC.
ADDRESS [redacted]
CITY VENICE TEL. No. EX 67560
COUNTY LICENSE NO. 5116 EXPIRES 1952

DISTRICT NO.	GROUP	ZONE	PERMIT NO.
	H		D58285
RECEIVED BY	READY FOR FIRST INSPECTION		DATE ISSUED

BUILDING ADDRESS 22800 N. PACIFIC COAST HWY.
LOCALITY MALIBU.
NEAREST CROSS ST.
OWNER VERN HERRICK
MAIL ADDRESS
CITY TEL. No.

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL COUNTY ORDINANCES AND STATE LAWS REGULATING PLUMBING.
I CERTIFY THAT I POSSESS THE ABOVE VALID LOS ANGELES COUNTY LICENSE, OR I AM THE LEGAL OWNER OF THE RESIDENTIAL PROPERTY DESCRIBED ABOVE.
SIGNATURE OF PERMITTEE? Edward Burrows

PERMIT FEES

NUMBER	TYPE OF FIXTURE OR ITEM		FEE
5	WATER CLOSET (TOILET)	@ 0.50	$ 4.50
3	BATH TUB	@ 0.50	1.50
2	SHOWER	@ 0.50	1.00
5	LAVATORY (WASH BASIN)	@ 0.50	2.50
3	KITCHEN SINK	@ 0.50	1.50
	LAUNDRY TUB OR TRAY	@ 0.50	
1	GAS SYSTEM 15 OUTLETS	@ 0.50	1.00
4	WATER HEATER	@ 0.50	2.00
	SLOW SINK	@ 0.50	
	FLOOR SINK	@ 0.50	
	FLOOR DRAIN	@ 0.50	
	DISHWASHER	@ 0.50	
	DRINKING FOUNTAIN	@ 0.50	
	URINAL	@ 0.50	
	HOUSE SEWER	@ 0.50	
	MISCELLANEOUS		
3	DISPOSALS		
	CESSPOOL	@ 1.00	
	SEPTIC TANK		
	DRAIN ( ) PIT ( )	@ 1.00	
	PERMIT		1.00
	TOTAL FEE		$ 17.50

INSPECTION RECORD

11-17-53
1. Floor Cop. for 4 Rooms
Gas Systems
2. Remove Pipe for Sit (4)
Unit # 2. - Remove Gas Outlets
3. Fix Leaks. (4) Wood Yoke
Kitchen Lights Line Junction
5. Block Vent Closet Bends

APPROVALS

	DATE	INSPECTOR'S NAME
ROUGH PLUMBING	11-23-53	Wilson
GAS PIPING		
GAS VENT		
CESSPOOL		
SEPTIC TANK		
SEWER		
GAS TEST		
UTILITY CO. NOTIFIED		
FINAL		

Ordinance No. 2269, the Plumbing Code, requires a plan check fee to be paid at the time of submitting plans and specifications equal to one-fourth (1/4) the required plumbing permit fee, based on the aggregate quantities required for the complete project for:

a) Building or premises containing over 180 drainage fixture units.

b) Building or premises with a potable water supply 4" or larger.

c) Building or premises with fuel gas piping 4" or larger or containing medium or high pressure fuel gas.

When plan check fee is required, fill in spaces below.

NUMBER	FIXTURE OR ITEM	FIXTURE UNIT	TOTAL
	WATER CLOSET	6	
	BATH TUB	2	
	SHOWER	2	
	LAVATORY	1	
	SINK	2	
	DISHWASHER	2	
	CLOTHES WASHER	2	
	GAS SERVICE SIZE		
	MEDIUM PRESSURE		
	HIGH PRESSURE		
	WATER SERVICE DOMESTIC WATER SIZE		
	TOTAL FIXTURE UNITS		

Civic Guardian Since 1947

August 2, 2025

Honorable Planning Commission,

RE: Item 5 B - CDP 23-040 CUP - 21-008 - La Salsa Motel and former commercial space
Position - more information needed for approval

Since 1947, the Malibu Township Council has advocated for responsible development that protects the rural character and safety of our community.

The project cannot proceed as applied for the following reasons:

1. Clarity is needed. What has historically been the accurate bedroom or fixture count for the "apartments"? OWTS operating permits attached from 2010 and 2016 state the number of bedrooms at "10" and the # of fixture counts at 113. And then the latest in 2018 state there are 8 bedrooms with a 94-fixture count. In 2021 the application submitted (attached) was for two 4-unit residential structures to be converted to an 8-room motel. Suddenly in July 2025 (see attached EH review) this was revised to 9 bedrooms without any explanation. The original building permit stamped on Nov 22, 1954 (attached), states it is two 2-story buildings consisting of 8 rooms - records for the bathroom fixture counts are a bit sketchier (attached) with initially showing 6 toilets and 5 bath/showers (total less than 50 fixture units) - for possibly the 3 apartments/2 bachelor units originally applied for. The bottom line is that sometime between 1954 and 2010 three bedrooms were added with multiple bathroom fixtures with ZERO permits. If a remodel or addition took place illegally within the apartments structures this would 1. require a new AOWTS and 2. definitely require a larger OWTS that could handle at least 94 fixture counts where the current (possibly original) 2200-gallon tank only handles less than 55 fixture counts as per the MMC. 3. With the water prohibition on since 2009 this would mean that no increase in septic tank could actually occur. The prior applications asked for existing photos or evidence of what was there prior to this application yet was never submitted or discussed. *Per Section 15.40.050 of the Malibu Municipal Code, any renovation (i.e., interior remodel) of the units will require upgrade to an advanced onsite wastewater treatment system.*

2. The adjacent commercial PCH restaurant remains closed and apparently uses the same parking. This is just like Malibu Inn/Dreamland/Aviator Nation being adjacent to a same ownership but conveniently ignored adjacent use. There are not enough dedicated spots for both the commercial use of this property and the proposed 9 units plus onsite manager and cleaning staff parking for this motel use. Furthermore, under Malibu's definition of a motel - motel room parking spots are supposed to have direct access to guest rooms which is not possible here.

2. The past proposed development for the former La Salsa restaurant building remains a BIG RED FLAG. Perhaps a demolition permit is in order or should be required to ensure that one approval does not create further non-conformance of business operations for the remaining/adjacent use/parcel. A pre-application in 2012 (attached) for the commercial building demolition and reconstruction of a two-story building in its place plus remodel of the two existing apartment buildings and discussed many unpermitted additions and attempting to build more residential in a commercial zone that have not been mentioned in this staff report. There would, however, NOT be enough parking for both uses. THIS IS ANOTHER CODE-VIOLATION CASE that has been getting a FREE PASS while applying for a CUP to change classification, GET-OUT-OF Short-Term Rental, PARKING, and SEWAGE/SEPTIC requirements.
3. There is missing a Motel business office and/or caretaker's unit, the requisite parking for that use would be analyzed in the Application. Further investigation into the history of permits and/or code violations for the former La Salsa

building needs to occur as it is rather lacking in this Application, AGAIN, as it was in the former attempt two years ago.

4. What's with the septic performance, inspection, capacity? Why did the operating permit changing every year not trigger code enforcement? The existing septic system does have regular performance issues likely because it is too small for the large usage there.

5. Why was the former Application withdrawn? or denied? What changed?

6. If a motel use is allowed there will be a loss of 9 residential units. Is this a good idea when due to the fires over the past 7 years there is a huge loss of residential housing since many of the lost homes will never be rebuilt. This is something the Planning Commission should consider.

7. The future us of the la Salsa restaurant needs to be included in this application before a decision on this conversion can be made.

8. ADA-requirements for accessibility (all hallway widths, ramp in-lieu of steps, compliant internal doorways and bathrooms need to be completed and requires permitting.

9. INTERIOR FIRE SPRINKLERS for jam-packed beachfront behind commercial PCH retail frontage and intermediate parking lot need to be added. This project is also sited very close to side-yard property lines for limited walk-around Fire access. The 150-foot wrap-around distance could/should apply. Where is the closest PCH-frontage Fire Hydrant?

10. STRUCTURAL STABILITY — which is a required Planning Commission "finding of fact" for this CUP. There has been no structural analysis of the building and/or balconies or elevated in the record.

Beachfront Business Uses are Always About the Parking

The requirement for 2 ADA spaces is triggered at some point, which is pertinent to this Application.

This property has long been used for transient housing rented by the hour! A standard of minimum rental days must be put on the CUP and a certain portion be held for long term housing that is required within our City's housing element.

We ask for a DENIAL due to the staff report being INCOMPLETE with omission of analyses for septic, parking, ADA, economic impact, loss of permanent affordable housing, structural integrity, unpermitted additions/uses, code violations and other potential hazards (i.e. fire, traffic, etc.) (LIP Chapter 9/Finding F). Somehow this original 8-unit apartment structure has almost doubled its fixture count and increased bedrooms, etc. without permit applications and approvals which needs to be sorted out first above all else.

Thank you for your consideration of all these factors to deny this application.

Bill Sampson

Established to promote, stimulate and further community spirit, to sponsor any project of merit that may benefit any district of Malibu Township, to foster and promote the cultural development of the Township; and in general, to do all things that tend to build and uphold the character of this residential area.

— Malibu Township Council Articles of Incorporation, January 2, 1947

MALIBU TOWNSHIP COUNCIL
PO BOX 803
MALIBU, CA 90265

President
Malibu Township Council

Established to promote, stimulate and further community spirit, to sponsor any project of merit that may benefit any district of Malibu Township, to foster and promote the cultural development of the Township; and in general, to do all things that tend to build and uphold the character of this residential area.

— Malibu Township Council Articles of Incorporation, January 2, 1947

MALIBU TOWNSHIP COUNCIL
PO BOX 803
MALIBU, CA 90265

City of Malibu

23815 Stuart Ranch Road, Malibu, California 90265-4861
Phone (310) 456-2489 Fax (310) 317-1950 www.ci.malibu.ca.us

Wastewater Management Program
Onsite Wastewater Treatment System Operating Permit

Effective Date of Permit: January 13, 2010
Expiration Date of Permit: January 13, 2012
Address: 22800 Pacific Coast Hwy, Malibu, CA 90265
APN: 4452-004-032
Owner: Carbon Investments
Owner Mailing Address: [redacted]
System Type: Conventional
Structure Served: Commercial (System 1 of 3)

COMPONENT	LOCATION	
	PARCEL ADDRESS	PARCEL NUMBER
Septic Tank	22800 Pacific Coast Hwy	4452-004-032
Drainfield	22800 Pacific Coast Hwy	4452-004-032

Malibu Municipal Code Section 15.12.050 authorizes the issuance of an "Operating Permit" for Onsite Wastewater Treatment Systems (OWTS) that are determined to be in compliance with all applicable City of Malibu Codes and Ordinances. The OWTS located at the above address has been determined to be in compliance and the use of the system as designated and intended is hereby authorized. Failure to operate and maintain the OWTS in strict conformance to all approvals, applicable Federal, State, and City laws and ordinances shall be justification for revocation of this operating permit and a misdemeanor violation punishable by up to $1000.00 per day and up to 6 months in jail per day per violation.

POST IN A CONSPICUOUS PLACE

City of Malibu

23815 Stuart Ranch Road, Malibu, California 90265-4861
Phone (310) 456-2489 Fax (310) 317-1950 www.ci.malibu.ca.us

Wastewater Management Program
Onsite Wastewater Treatment System Operating Permit

Effective Date of Permit: January 13, 2010
Expiration Date of Permit: January 13, 2012
Address: 22800 Pacific Coast Hwy, Malibu, CA 90265
APN: 4452-004-032
Owner: Carbon Investments
Owner Mailing Address: [redacted]
System Type: Conventional
Structure Served: Commercial (System 2 of 3)

COMPONENT	LOCATION	
	PARCEL ADDRESS	PARCEL NUMBER
Septic Tank	22800 Pacific Coast Hwy	4452-004-032
Drainfield	22800 Pacific Coast Hwy	4452-004-032

Malibu Municipal Code Section 15.12.050 authorizes the issuance of an "Operating Permit" for Onsite Wastewater Treatment Systems (OWTS) that are determined to be in compliance with all applicable City of Malibu Codes and Ordinances. The OWTS located at the above address has been determined to be in compliance and the use of the system as designated and intended is hereby authorized. Failure to operate and maintain the OWTS in strict conformance to all approvals, applicable Federal, State, and City laws and ordinances shall be justification for revocation of this operating permit and a misdemeanor violation punishable by up to $1000.00 per day and up to 6 months in jail per day per violation.

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Wastewater Management Program
Onsite Wastewater Treatment System Operating Permit

Effective Date of Permit: January 13, 2010
Expiration Date of Permit: January 13, 2012
Address: 22800 Pacific Coast Hwy, Malibu, CA 90265
APN: 4452-004-032
Owner: Carbon Investments
Owner Mailing Address: [redacted]
System Type: Conventional
Structure Served: Commercial (System 3 of 3)

COMPONENT	LOCATION	
	PARCEL ADDRESS	PARCEL NUMBER
Septic Tank	22800 Pacific Coast Hwy	4452-004-032
Drainfield	22800 Pacific Coast Hwy	4452-004-032

Malibu Municipal Code Section 15.12.050 authorizes the issuance of an "Operating Permit" for Onsite Wastewater Treatment Systems (OWTS) that are determined to be in compliance with all applicable City of Malibu Codes and Ordinances. The OWTS located at the above address has been determined to be in compliance and the use of the system as designated and intended is hereby authorized. Failure to operate and maintain the OWTS in strict conformance to all approvals, applicable Federal, State, and City laws and ordinances shall be justification for revocation of this operating permit and a misdemeanor violation punishable by up to $1000.00 per day and up to 6 months in jail per day per violation.

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1800

City of Malibu

Environmental and Building Safety Division
23815 Stuart Ranch Road • Malibu, California • 90265-4861
Phone (310) 456-2489 • Fax (310) 317-1950 •www.ci.malibu.ca.us

Wastewater Management Program
Onsite Wastewater Treatment System
OPERATING PERMIT APPLICATION

GENERAL INFORMATION:

Site Address: 22800 PCH

APN: 445 200 4032

Application Type: ☒ Initial ☐ Renewal ☐ Point of Sale ☐ Change of Owner

Number of OWTS on subject property: ☐ One ☐ Two ☒ Three ☐ Four

Type of OWTS: ☐ Conventional ☐ Alternative ☐ Demonstration

Note: All non-conventional system must complete the section below

Type of Occupancy served by the OWTS:

☐ Residential (Single Family & Duplex)

☒ Multifamily (Apartments & Condominiums) (2)

☒ Commercial (1)

Waste Discharge Permit: (Issued by the Los Angeles Regional Water Quality Control Board)

☐ Yes WDR Number: _____ Expiration Date: _____

☐ No

ALTERNATIVE/ADVANCED/DEMONSTRATION SYSTEMS INFORMATION:

System Manufacturer: _____

Model Name/Number: _____

Maintenance Provider: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____

Email Address: _____

Contract Expiration Date: _____

Note: This application must be submitted with accompanying Official Inspection Form

Do not write below – City use only

Permit Fee Paid: Date: _____ By: _____

Received: Date: _____ By: _____

Review Date: _____ By: _____

Data Base Input: _____ By: _____

Effective Date: _____ Expiration Date: _____

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OFFICIAL INSPECTION FORM
ONSITE WASTEWATER TREATMENT SYSTEM
PART A
COMPLIANCE REPORT FORM

Property Address: 22800 PCH

Owner's Name: Carbon Investments

Owner's Address: [redacted]

Date of Inspection: 8-10-09 Name of Inspector: Patrick Bader Inspector Number: _____

Company Name: Whitewater Plumbing Telephone Number: [redacted]

Mailing address: [redacted]

E-Mail Address: _____ Fax Number: [redacted]

CERTIFICATION STATEMENT

I certify that I have personally inspected the onsite wastewater treatment system at this address and that the information reported below is true, accurate and complete as of the time of the inspection. The inspection was performed based on my training and experience in the proper function and maintenance of onsite wastewater treatment systems. I am a City of Malibu approved System Inspector pursuant to Section 15.14.060, of the Malibu Municipal Code.

The Onsite Wastewater Treatment System:

- X **Passes**
- ___ **Conditionally Passes**
- ___ **Fails**

Inspector's Signature: _____ **Date:** 8-10-09

Malibu Approved Inspector Number: _____

The System Inspector shall submit the original of the Official inspection report to the City of Malibu within 30 days of completing this inspection. A copy of this inspection report shall be given to the onsite wastewater treatment system owner. A copy of this inspection report shall be given to any prospective buyer, if applicable.

NOTE: It shall be a violation of this code for any person to falsify, misrepresent or fraudulently alter a system inspection report, or the result of an inspection. (Malibu Municipal Code, Section 15.14.060)

This report only describes conditions at the time of inspection and under the conditions of use at that time. This inspection does not address how the system will perform in the future under the same or different conditions of use.

City of Malibu

Environmental and Building Safety Division
Environmental Health
23815 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 317-1950 · www.ci.malibu.ca.us

ONSITE WASTEWATER TREATMENT SYSTEM FIXTURE UNIT WORKSHEET

This worksheet shall be used to determine the existing fixture unit count and the proposed fixture unit count for all planned alterations to existing structures. Floor plans may be required to confirm both existing and proposed conditions. When a new OWTS system only is proposed, complete only the proposed column of the worksheet. The completed worksheet shall be certified by an Architect, Civil Engineer, Environmental Health Specialist, or an "A", "C-42", "C-36" Contractors License.

Date: 8-10-09

Applicant: Carbon Investments

Address: 22800 PCH

Number of Bedrooms (Existing): 10

Number of Bedrooms (Future): _____

Planning Division Reference Number: _____

Worksheet Certification by:

Patricia Bader — Print name

Signature

C36+C42 — Applicable California State License or Registration Type

840570 — State License or Registration Number

6-30-10 — Expiration Date

Type of Plumbing Fixture	Existing Fixtures "A"	+	Proposed Fixtures "B"	=	Total Fixtures "(A + B)"	x	Unit Value "C"	=	Existing Fixture Units "A x C"	Total Future Fixture Units "(A + B) x C"
Bathtub or Combination Bath/Shower	10	+		=		x	2	=	20	
Bidet		+		=		x	2	=		
Bar Sink		+		=		x	1	=		
Clothes Washer	1	+		=		x	3	=	3	
Dishwasher		+		=		x	2	=		
Laundry Sink		+		=		x	2	=		
Lavatory (Wash Basin)	10	+		=		x	1	=	10	
Kitchen Sink	10	+		=		x	2	=	20	
Shower (Single Head)		+		=		x	2	=		
Water Closet (Flush Toilet)	10	+		=		x	6	=	60	
Other (MPC Table 7-3)		+		=		x		=		
Other (MPC Table 7-3)		+		=		x		=		

TOTAL EXISTING FIXTURE UNITS: 113

TOTAL FUTURE FIXTURE UNITS: 113

Notes

1. In completing this form, a room is considered a bedroom if it provides privacy, has an associated closet, and is in close proximity to a bathroom with bathtub and/or shower fixtures.
2. If an existing fixture is to be deleted from the project, indicate the fixture with a minus sign (–) next to the proposed fixture quantity in column "B".
3. For plumbing fixtures not shown in this table please refer to Malibu Plumbing Code (MPC) Table 7-3.

City of Malibu

Environmental and Building Safety Division
23815 Stuart Ranch Road • Malibu, California • 90265-4861
Phone (310) 456-2489 • Fax (310) 317-1950 •www.ci.malibu.ca.us

OFFICIAL INSPECTION FORM
ONSITE WASTEWATER TREATMENT SYSTEM

This inspection report is for regulatory purposes only and is not to be used or construed as a guarantee of future system performance.

This form is to be used for all required Onsite Wastewater Treatment System inspections required by Section 15.14.050 of Ordinance 321. The form must be completed by a City of Malibu Approved Inspector (Section 15.14.060). All sections of the form are to be completed in accordance to the "Guidelines for the Inspection of Onsite Wastewater Treatment Systems in the City of Malibu".

A plot plan of the OWTS and site must be attached to this report. Please refer to the Guidelines for the specifications required.

Part I Site Information

Property Owner: Carson Investments	Site Address: 22900 PCH
Mailing Address: [redacted]	Site APN: 445 200 4032
City, State, Address: [redacted]	Site Location
Telephone Number: [redacted]	Additional Information:

Part II History

OWTS Permit on file with City: ☒ Yes ☐ No Percolation test on file with City: ☐ Yes ☐ No		Building Type: ☐ Single Family Residence ☒ Multifamily ☒ Commercial ☐ Condominium	
Building Serviced by OWTS: ☒ Occupied ☐ Seasonal Use		Building Construction Date: 1960 ish	
Number of Bedrooms: 10 Fixture Unit Count: FU= 113		Maintenance Contract for OWTS: ☐ Yes ☒ No	
OWTS Permit Number	Date Issued	Date of Final Approval for Installation	Age of System (installation date or approximate age) 22 years

Part III System Type

Type of OWTS Installed: ☒ Conventional ☐ Alternative/Advanced ☐ Demonstration ☐ Holding Tank	System Type Permitted by City: ☒ Yes ☐ No
Information for all Alternative/Advanced System Types: ☐ Secondary Treatment Component ☐ Disinfection Component ☐ De-Nitrification	Grey Water System: ☐ Yes ☒ No Permit:☐ Yes ☐ No Removed:☐ Yes ☐ No
Influent (Sewage) Type: ☐ Residential ☒ Multifamily ☐ Condominium ☐ Commercial ☒ Restaurant	Appearance of Influent: ☒ Normal ☐ High Strength ☐ Weak

NOTE: All alternative/advanced OWTS will require submission of system approval from the maintenance provider

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Par IV - Tanks

Tank #1
Manufacturer: Capacity: (2) 2200 (1) 1500 gal

Tank Pumped for Inspection:
☐ Yes ☐ No ☒ Recommended (1) 1500gal ☒ Not Required (2) 2200 gal

Function of Tank:
☒ Septic ☐ Treatment ☐ Pump vault ☐ Dosing ☐ Grease

Liquid Level in Tank:
☒ Normal ☐ Below Normal ☐ Above Normal

Tank Material:
☒ Concrete ☐ Fiberglass ☐ Plastic ☐ Metal ☐ Block ☐ Other

Effluent Filter:
☐ Yes ☐ Cleaned ☒ No ☐ Installed @ Inspt ☐ Recommended

Setback Distance	Building	Lot line	Stream	Well
(2) 2200	50 ft	5 ft	N/A ft	N/A ft

Condition of tank:
☒ Acceptable ☐ Struct Unsound ☐ Infiltration ☐ Exfiltration

Septage Levels: (2) 2200 gal pumped recently
Scum: in Effluent: in Sludge: in
1500gal Needs special Truck for Grease

Manhole Risers: Present ☒ Yes ☐ No Diameter: 24"
Depth of Soil Cover Over Tank: 2 ft in

Number of Tank Compartments:
(1) 1500 (2) 2200
☒ One ☒ Two ☐ Three ☐ Other

Condition of Baffles:
☒ Pass ☐ Damaged ☐ Fail

Inlet Tee: ☒ Pass ☐ Damaged ☐ Fail
Outlet Tee: ☒ Pass ☐ Damaged ☐ Fail

Tank
☒ Passes ☐ Conditionally Passes ☐ Fails

Additional Comments:
(1) 1500gal TANK 5' From Building 35 from lot line

Tank #2
Manufacturer: Capacity: gal

Tank Pumped for Inspection:
☐ Yes ☐ No ☐ Recommended ☐ Not Required

Function of Tank:
☐ Septic ☐ Treatment ☐ Pump vault ☐ Dosing ☐ Grease

Liquid Level in Tank:
☐ Normal ☐ Below Normal ☐ Above Normal

Tank Material:
☐ Concrete ☐ Fiberglass ☐ Plastic ☐ Metal ☐ Block ☐ Other

Effluent Filter:
☐ Yes ☐ Cleaned ☐ No ☐ Installed @ Inspt ☐ Recommended

Setback Distance	Building	Lot line	Stream	Well
	ft	ft	ft	ft

Condition of tank:
☐ Acceptable ☐ Struct Unsound ☐ Infiltration ☐ Exfiltration

Septage Levels:
Scum: in Effluent: in Sludge: in

Manhole Risers: Present ☐ Yes ☐ No Diameter:
Depth of Soil Cover Over Tank: ft in

Number of Tank Compartments:
☐ One ☐ Two ☐ Three ☐ Other

Condition of Baffles:
☐ Pass ☐ Damaged ☐ Fail

Inlet Tee: ☐ Pass ☐ Damaged ☐ Fail
Outlet Tee: ☐ Pass ☐ Damaged ☐ Fail

Tank:
☐ Passes ☐ Conditionally Passes ☐ Fails

Additional Comments:

I certify that I have inspected the tank(s) and that to the best of my knowledge and ability the information in Part IV is correct

Print Name: Patrick BADER Inspection Date: 8-10-09

Signature: Malibu Approved Inspector Number:

Part V Distribution

Distribution Type:
☐ Direct Connection ☒ Box ☐ Manifold ☐ Hydrosplitter ☐ other

Distribution System Material of Construction:
☐ Concrete ☒ Plastic/polymer ☐ Fiberglass ☐ Other

Additional Comments:
Per Drawings from City

Access Riser to Grade: ☒ Yes ☐ No
Riser Diameter: 10"

Condition of Distribution System:
☒ Pass ☐ Damaged/needing repair ☐ Failed

Observed Deficiencies (if any):
☐ Roots ☐ Cracks ☐ Water Infiltration
☐ Evidence of Ponding ☐ Sludge ☐ Unlevel

I certify that I have inspected the tank(s) and that to the best of my knowledge and ability the information in Part V is correct

Print Name: Patrick BADER Inspection Date: 8-10-09

Signature: Malibu Approved Inspector Number:

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Part VI Pump Station

Pump Vault Type: ☐ In Tank Vault ☐ Pump Station Vault ☐ Dosing	Access: ☐ Yes ☐ No Diameter:
Pump Vault Material: ☐ Concrete ☐ Fiberglass ☐ Plastic ☐ Metal ☐ Other	Condition of Vault: ☐ Acceptable ☐ Struct Unsound ☐ Infiltration ☐ Exfiltration
Pumps: ☐ Simplex ☐ Duplex ☐ Other Pump Elevated: ☐ Yes ☐ No	Pump Operation: ☐ Pass ☐ Fail ☐ Pump Replaced ☐ Incorrect Pump
Alarms: High Water Alarm: Alarm System: ☐ Yes ☐ No ☐ Yes ☐ No ☐ Pass ☐ Fail	Floats: ☐ Pass ☐ Needs Adjustment ☐ Fail
Comments:	

I certify that I have inspected the Pump Station(s) and that to the best of my knowledge and ability the information in Part VI is correct

Print Name:	Inspection Date:
Signature:	Malibu Approved Inspector Number:

Part VII Dispersal System

Type ☐ Seepage Pits ☐ Leach Trenches ☒ Leach Field ☐ Sand Filter ☐ Drip Irrigation ☐ ET Bed

Number of Type Units	Unit Length	Unit Width	Pit Diameter	Liquid Depth in Pit
2	(1) ~~40~~ (2) 57 ft	(1) 14 (2) 27 ft	ft	

Impermeable Surface Over Area: ☒ Yes ☐ No	Evidence of Surface Discharge/Breakout: ☐ Yes ☒ No
Water in Observation Ports: ☐ Yes ☒ No Depth in	Evidence of Storm Water Ponding: ☐ Yes ☒ No
Hydraulic Performance Test: ☒ Yes ☐ No	Pressure Distribution System: ☐ Yes ☒ No
Dispersal Area: ☐ Breakout ☐ Wetness ☐ Odors	Squirt Test: ☐ Pass ☐ Fail ☐ Not Performed

Setback Distance	Building	Lot Line	Stream	Well	Condition of Dispersal System:
	(1) 8 (2) 12 ft	(1) 5' (2) 5 ft	N/A ft	N/A ft	☒ Pass ☐ Conditionally Pass ☐ Fail

Comments

I certify that I have inspected the dispersal system and that to the best of my knowledge and ability the information in Part VII is correct

Print Name: Patrick BADER	Inspection Date: 8-10-09
Signature:	Malibu Approved Inspector Number:

Part VIII Hydraulic Test

Static Liquid Level in Tank: ☒ Even with Invert ☐ Below Invert ☐ Above Invert	Hydraulic Test Initial Level: Inches ☐ Above ☐ Below Inlet
Approximate Gallons Water Added: 250 Gallons	Liquid Level Rise (inches): 2"
Length of Time Water Added: 20 Minutes	Time to return to Initial: (30 minute max) 5 MIN
Dispersal Area Observation: ☒ Pass ☐ further evaluation required ☐ Fail	Hydraulic Test Evaluation: ☒ Pass ☐ Marginal ☐ Fail

I certify that I have performed the hydraulic test and that to the best of my knowledge and ability the information in PartVIII is correct

Print Name: Patrick BADER	Inspection Date: 8-10-09
Signature:	Malibu Approved Inspector Number:

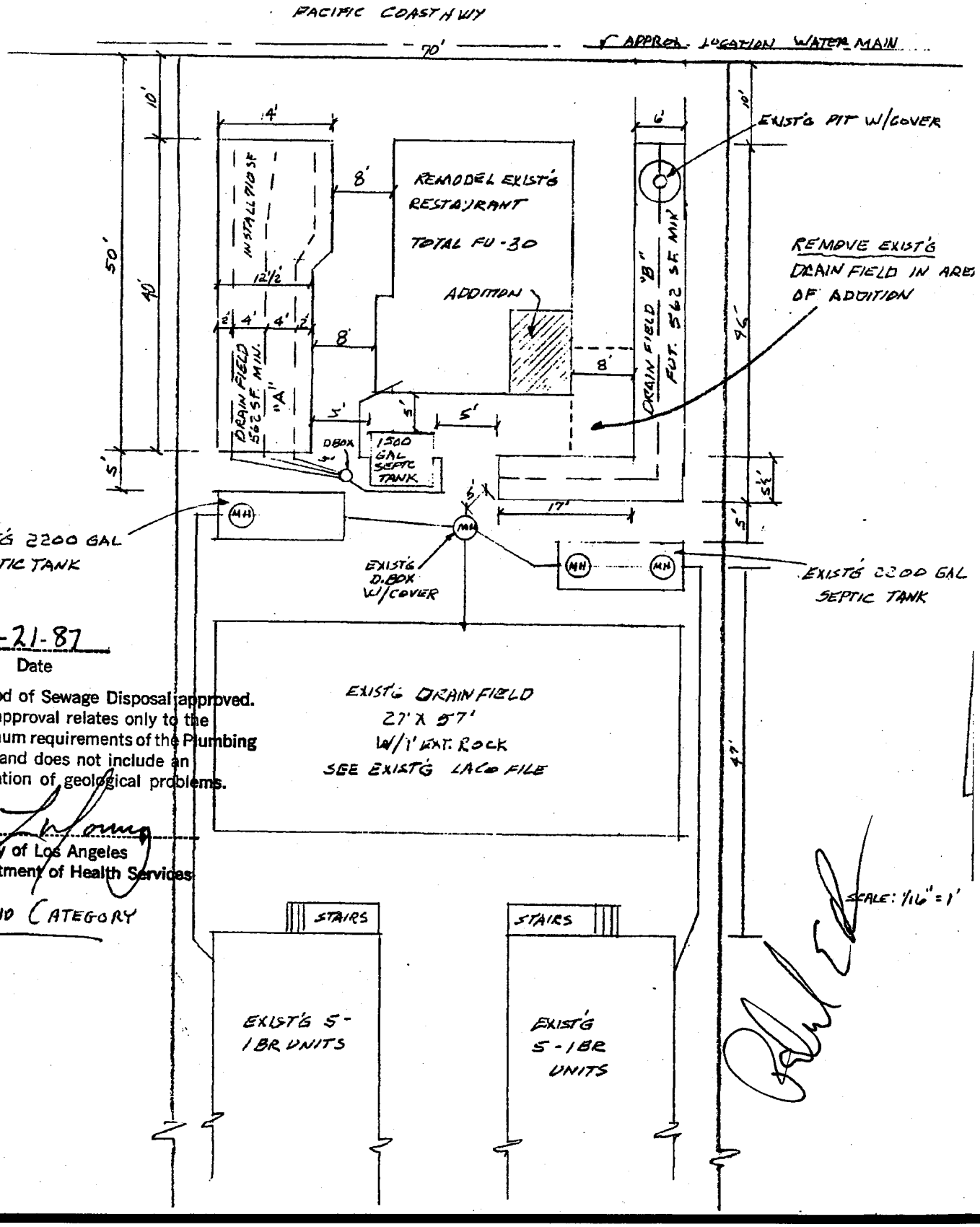
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DAVID L. RIGGLE, CONSULTING SANITARIAN
28832 Grayfox St., Malibu, CA 90265
(213) 457-2054

DATE 5-11-87

PAGE 1 OF 2

PROJECT: 22800 PACIFIC COAST HWY, MALIBU



5-21-87
Date

Method of Sewage Disposal approved. This approval relates only to the minimum requirements of the Plumbing Code and does not include an evaluation of geological problems.

County of Los Angeles
Department of Health Services

SAND CATEGORY

City of Malibu

23815 Stuart Ranch Road • Malibu, California • 90265-4804
(310) 456-2489 • fax (310) 456-7650

FEE RECEIPT

Make checks payable to the City of Malibu

This is a receipt for the amount of fees collected as shown below. The number, date and amount validated below have also been validated on your application or other document and have become a part of the records of the City of Malibu.

- ☐ Planning Review Case #: _____
- ☐ Building and Safety
- ☐ Environmental Health Review/Reference # _____
- ☐ Geology/Geotechnical Review
- ☐ Deposit (additional fees may be due at permit issuance)
- ☒ OWTS Operating Permit Permit #: _____
- ☐ Public Works
- ☐ S.U.S.M.P.
- ☐ Other

Applicant's Name CARBON INVESTMENTS

Job Address: 22800 PACIFIC COAST Hwy

Description of work OPERATING PERMIT - 3 SYSTEMS

Phone # _____ **Fax #** _____

Date 1-12-2010

☐ **CASH** ☒ **CHECK** **CK#** 12086 ☐ **Credit Card Auth#** _____

Subtotal	$1800.00
Documentation Retention Fee	$ —
Credit Card Fee	$ —
AMOUNT RECEIVED:	$1800.00
Received by:	SD

100113-001, 002, 003

Property Detail Report for:

DIGITAL MAP PRODUCTS | Beyond Mapping

22800 PACIFIC COAST HWY, MALIBU CA , 90265-5041

Owner Information:

Owner Name:	CARBON INVESTMENTS		
Mailing Address:	[redacted]		
Vesting Code:	COMPANY/CORPORATION/INCORPORATED	Phone Number:	

Location Information:

Legal Description:	LAND OF MATTHEW KELLER IN THE RANCHO TOPANGA MALIBU SEQUIT LOT ON SE LINE OF PACIFIC COAST HIGHWAY COM S 3 59' E 40 FT AND SW ON SD SE LINE 521.48 FT FROM ENGR STA 965 PLUS 96.77 IN C/L OF				
County:	LOS ANGELES	FIPS Code:	06037	Census Trct/Blk:	8005024 / 4
APN:	4452004032	Alternative APN:	4452004032	Map Ref:	H6-625
Twnshp-Rnge-Sect:	- -	Legal Book/Page:	4452-004 /	Tract No:	
Legal Lot:	2	Legal Block:			
Subdivison:	KELLER MATTHEW LAND IN RO				

Last Market Sale Information:

Sale Date:	03/31/2005	Sale Price:		1st Mtg Amount:	
Sale Doc No:	0000740110	Price Per SqFt:		1st Mtg Int Type:	
Transfer Doc No:		Price Per Acre:		2nd Mtg Amount:	
Multi/Split Sale:		1st Mtg Doc No:		2nd Mtg Int Type:	
Sale Type:	DOCUMENTARY TRANSFER TAX DUE UNKNOWN				
Deed Type:	GRANT DEED/DEED OF TRUST				
Title Company:					
Lender:					
Seller Name:	MARINA GLENCOE				

Property Characteristics:

Building Area:	5,416	Total Rooms:		Construction:	
Living Area:	5,416	Bedrooms		Heat Type:	
Garage Area:		Baths:		Air Cond:	
Basement Area:		Fireplace:		Roof Type:	
Parking Type:		No of Stories:		Roof Material:	
Yr Built/Effective:	1954 /	Quality:		Style:	
Pool Code:					

Tax and Value Information:

Assessed Value:	$5,628,645	Assessed Year:	2009	Est Market Val:	
Land Value:	$5,412,160	Property Tax:	$62,456	Assessor Appd Val:	
Improvement Value:	$216,485	Improvement %:	3.84		
Total Taxable Value:	$5,628,645	Tax Exemption:			

Site Information:

Assessor Acres:	0.32	Zoning:	LCC2*	Land Use:	200
Assessor Lot SqFt:	13,939	No of Buildings:		Land Use Desc:	COMMERCIAL (NEC)
Assessor Lot W/D:	/	Res/Comm Units:		County Use Code:	
Calculated Acres:	0.2991	Sewer Type:			
Calculated Lot SqFt:	13,028	Water Type:			

In Seismic Liquefaction Hazard
Not in Seismic Landslide Hazard
Not in Fault Zone Hazard
In One Mile Industrial Commercial Zone
In 100yr. FEMA Flood Zone
Not in Dam Inundation Hazard
Not in Wildland Fire Hazard
In Severe Fire Hazard

City of Malibu

23825 Stuart Ranch Road, Malibu, California 90265-4861
Phone (310) 456-2489 Fax (310) 317-1950 www.malibucity.org

Wastewater Management Program
Onsite Wastewater Treatment System Operating Permit

Effective Date of Permit: January 15, 2015
Expiration Date of Permit: January 15, 2017
Address: 22800 Pacific Coast Hwy, Malibu, CA 90265
APN: 4452-004-032
Owner: Pacific Coast Management, Inc
Owner Mailing Address: [redacted]
System Type: Conventional
Structure Served: Multi-family (Apartment only)

COMPONENT	LOCATION	
	PARCEL ADDRESS	PARCEL NUMBER
Septic Tank (2)	22800 Pacific Coast Hwy	4452-004-032
Drainfield (2)	22800 Pacific Coast Hwy	4452-004-032

The intent of an Operating Permit is to authorize the use of the subject Onsite Wastewater Treatment System based on the inspection and assessment performed by a City of Malibu Registered Inspector attesting that the subject system is performing to its design intent. The issuance of an Operating Permit does not authorize or approve any modification to the Onsite Wastewater Treatment System performed without benefit of Environmental Health approval and the issuance of a construction permit to perform such modifications. Additionally, the issuance of an Operating Permit does not authorize or approve the connection of any plumbing fixture to the subject Onsite Wastewater Treatment System without the benefit of Environmental Health approval and the issuance of a plumbing permit to install these plumbing fixture(s), without exception. Malibu Municipal Code Section 15.14.050 authorizes the issuance of an "Operating Permit" for Onsite Wastewater Treatment Systems (OWTS) that are determined to be operating as designed and intended. Failure to operate and maintain the OWTS in strict conformance to all approvals, applicable Federal, State, and City laws and ordinances shall be justification for revocation of this operating permit and a misdemeanor violation punishable by up to $1000.00 per day and up to 6 months in jail per day per violation.

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City of Malibu

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OFFICIAL INSPECTION FORM
ONSITE WASTEWATER TREATMENT SYSTEM
PART A
COMPLIANCE REPORT FORM

Property Address: 22900 PCH

Owner's Name: Pacific Coast Management, Inc

Owner's Address: [redacted]

Date of Inspection: 1-15-10 Name of Inspector: Roland Acuna Inspector Number: 12001

Company Name: Strata-Tech, Inc Telephone Number: [redacted]

Mailing address: [redacted]

E-Mail Address: [redacted] Fax Number: —

CERTIFICATION STATEMENT

I certify that I have personally inspected the onsite wastewater treatment system at this address and that the information reported below is true, accurate and complete as of the time of the inspection. The inspection was performed based on my training and experience in the proper function and maintenance of onsite wastewater treatment systems. I am a City of Malibu approved System Inspector pursuant to Section 15.14.060, of the Malibu Municipal Code.

The Onsite Wastewater Treatment System: X **Passes** — Residential only

__ **Conditionally Passes**

__ **Fails**

Inspector's Signature: [signature] **Date:** 1-15-15

Malibu Approved Inspector Number: 12001

The System Inspector shall submit the original of the Official inspection report to the City of Malibu within 30 days of completing this inspection. A copy of this inspection report shall be given to the onsite wastewater treatment system owner. A copy of this inspection report shall be given to any prospective buyer, if applicable.

NOTE: It shall be a violation of this code for any person to falsify, misrepresent or fraudulently alter a system inspection report, or the result of an inspection. (Malibu Municipal Code, Section 15.14.060)

This report only describes conditions at the time of inspection and under the conditions of use at that time. This inspection does not address how the system will perform in the future under the same or different conditions of use.

City of Malibu

Environmental and Building Safety Division
23825 Stuart Ranch Road • Malibu, California • 90265-4861
Phone (310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

OFFICIAL INSPECTION FORM
ONSITE WASTEWATER TREATMENT SYSTEM

This inspection report is for regulatory purposes only and is not to be used or construed as a guarantee of future system performance.

This form is to be used for all required Onsite Wastewater Treatment System inspections required by Section 15.14.050 of Ordinance 321. The form must be completed by a City of Malibu Approved Inspector (Section 15.14.060). All sections of the form are to be completed in accordance to the "Guidelines for the Inspection of Onsite Wastewater Treatment Systems in the City of Malibu".

A plot plan of the OWTS and site must be attached to this report. Please refer to the Guidelines for the specifications required.

Part I Site Information

Property Owner: CARBON INVESTMENTS C/O Pacific Coast Mngmt, Inc	Site Address: 22800 PCH
Mailing Addr: [redacted]	Site APN: 4452-004-032
City, State, Addres: [redacted]	Site Location: Malibu City
Telephone Numb: [redacted]	Additional Information:

Part II History

OWTS Permit on file with City: ☒ Yes ☐ No Percolation test on file with City: ☐ Yes ☐ No	Building Type: ☐ Single Family Residence ☒ Multifamily ☐ Commercial ☐ Condominium
Building Serviced by OWTS: ☒ Occupied ☐ Seasonal Use	Building Construction Date: ~1960's
Number of Bedrooms: 10 Fixture Unit Count: 113	Maintenance Contract for OWTS: ☐ Yes ☒ No

OWTS Permit Number	Date Issued	Date of Final Approval for Installation	Age of System (installation date or approximate age)
			~28 yrs

Part III System Type

Type of OWTS Installed: ☒ Conventional ☐ Alternative/Advanced ☐ Demonstration ☐ Holding Tank	System Type Permitted by City: ☒ Yes ☐ No
Information for all Alternative/Advanced System Types: ☐ Secondary Treatment Component ☐ Disinfection Component ☐ De-Nitrification	Grey Water System: ☐ Yes ☒ No Permit: ☐ Yes ☐ No Removed: ☐ Yes ☐ No
Influent (Sewage) Type: ☐ Residential ☒ Multifamily ☐ Condominium ☐ Commercial ☐ Restaurant	Appearance of Influent: ☒ Normal ☐ High Strength ☐ Weak

NOTE: All alternative/advanced OWTS will require submission of system approval from the maintenance provider

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Part IV - Tanks

Tank #1
Manufacturer: Capacity: 2200 gal

Tank Pumped for Inspection:
☒ Yes ☐ No ☐ Recommended ☐ Not Required

Function of Tank:
☒ Septic ☐ Treatment ☐ Pump vault ☐ Dosing ☐ Grease

Liquid Level in Tank:
☒ Normal ☐ Below Normal ☐ Above Normal

Tank Material:
☒ Concrete ☐ Fiberglass ☐ Plastic ☐ Metal ☐ Block ☐ Other

Effluent Filter:
☐ Yes ☐ Cleaned ☒ No ☐ Installed @ Inspt ☐ Recommended

Setback Distance	Building	Lot line	Stream	Well
	50 ft	5 ft	0 ft	0 ft

Condition of tank:
☒ Acceptable ☐ Struct Unsound ☐ Infiltration ☐ Exfiltration

Septage Levels:
Scum: 5 in Effluent: 56 in Sludge: 6 in

Manhole Risers: Present ☒ Yes ☐ No Diameter: 24
Depth of Soil Cover Over Tank: 2 ft in

Number of Tank Compartments:
☐ One ☒ Two ☐ Three ☐ Other ____

Condition of Baffles:
☒ Pass ☐ Damaged ☐ Fail

Inlet Tee: ☒ Pass ☐ Damaged ☐ Fail
Outlet Tee: ☒ Pass ☐ Damaged ☐ Fail

Tank
☒ Passes ☐ Conditionally Passes ☐ Fails

Additional Comments: PER PLAN in City FILE

Tank #2
Manufacturer: Capacity: 2200 gal

Tank Pumped for Inspection:
☒ Yes ☐ No ☐ Recommended ☐ Not Required

Function of Tank:
☒ Septic ☐ Treatment ☐ Pump vault ☐ Dosing ☐ Grease

Liquid Level in Tank:
☒ Normal ☐ Below Normal ☐ Above Normal

Tank Material:
☒ Concrete ☐ Fiberglass ☐ Plastic ☐ Metal ☐ Block ☐ Other

Effluent Filter:
☐ Yes ☐ Cleaned ☒ No ☐ Installed @ Inspt ☐ Recommended

Setback Distance	Building	Lot line	Stream	Well
	25 ft	5 ft	0 ft	0 ft

Condition of tank:
☒ Acceptable ☐ Struct Unsound ☐ Infiltration ☐ Exfiltration

Septage Levels:
Scum: 4 in Effluent: 57 in Sludge: 6 in

Manhole Risers: Present ☒ Yes ☐ No Diameter: 24
Depth of Soil Cover Over Tank: 2 ft in

Number of Tank Compartments:
☐ One ☐ Two ☐ Three ☐ Other ____

Condition of Baffles:
☐ Pass ☐ Damaged ☐ Fail

Inlet Tee: ☐ Pass ☐ Damaged ☐ Fail
Outlet Tee: ☐ Pass ☐ Damaged ☐ Fail

Tank:
☐ Passes ☐ Conditionally Passes ☐ Fails

Additional Comments:

I certify that I have inspected the tank(s) and that to the best of my knowledge and ability the information in Part IV is correct

Print Name: ROLAND ACUNA Inspection Date: 1-14-15

Signature: Roland Acuna Malibu Approved Inspector Number: MRP# 12001

Part V Distribution

Distribution Type:
☐ Direct Connection ☒ Box ☐ Manifold ☐ Hydrosplitter ☐ other

Distribution System Material of Construction:
☐ Concrete ☒ Plastic/polymer ☐ Fiberglass ☐ Other

Additional Comments:

Access Riser to Grade: ☒ Yes ☐ No,
Riser Diameter: 12

Condition of Distribution System:
☒ Pass ☐ Damaged/needing repair ☐ Failed

Observed Deficiencies (if any):
☐ Roots ☐ Cracks ☐ Water Infiltration
☐ Evidence of Ponding ☐ Sludge ☐ Unlevel

I certify that I have inspected the tank(s) and that to the best of my knowledge and ability the information in Part V is correct

Print Name: Roland Acuna Inspection Date: 1-14-15

Signature: Roland Acuna Malibu Approved Inspector Number: MRP# 12001

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Recycled Paper

Part V Pump Station

N/A

Pump Vault Type: ☐ In Tank Vault ☐ Pump Station Vault ☐ Dosing	Access: ☐ Yes ☐ No Diameter:
Pump Vault Material: ☐ Concrete ☐ Fiberglass ☐ Plastic ☐ Metal ☐ Other	Condition of Vault: ☐ Acceptable ☐ Struct Unsound ☐ Infiltration ☐ Exfiltration
Pumps: ☐ Simplex ☐ Duplex ☐ Other Pump Elevated: ☐ Yes ☐ No	Pump Operation: ☐ Pass ☐ Fail ☐ Pump Replaced ☐ Incorrect Pump
Alarms: ☐ Yes ☐ No High Water Alarm: ☐ Yes ☐ No Alarm System: ☐ Pass ☐ Fail	Floats: ☐ Pass ☐ Needs Adjustment ☐ Fail
Comments:	

I certify that I have inspected the Pump Station(s) and that to the best of my knowledge and ability the information in Part VI is correct

Print Name:	Inspection Date:
Signature:	Malibu Approved Inspector Number:

Part VII Dispersal System

Type ☐ Seepage Pits ☐ Leach Trenches ☒ Leach Field ☐ Sand Filter ☐ Drip Irrigation ☐ ET Bed

Number of Type Units	Unit Length	Unit Width	Pit Diameter	Liquid Depth in Pit
2	40 ft	5 7 ft	0 ft	

Impermeable Surface Over Area: ☒ Yes ☐ No	Evidence of Surface Discharge/Breakout: ☐ Yes ☒ No
Water in Observation Ports: ☐ Yes ☒ No Depth in	Evidence of Storm Water Ponding: ☐ Yes ☒ No
Hydraulic Performance Test: ☐ Yes ☐ No	Pressure Distribution System: ☐ Yes ☒ No
Dispersal Area: ☐ Breakout ☐ Wetness ☐ Odors	Squirt Test: ☐ Pass ☐ Fail ☐ Not Performed N/A

Setback Distance	Building	Lot Line	Stream	Well
	8 ft	5 ft	ft	ft

Condition of Dispersal System: ☒ Pass ☐ Conditionally Pass ☐ Fail

Comments

I certify that I have inspected the dispersal system and that to the best of my knowledge and ability the information in Part VII is correct

Print Name: Roland Acuna	Inspection Date: 1-14-15
Signature:	Malibu Approved Inspector Number: MKPA 12001

Part VIII Hydraulic Test

Static Liquid Level in Tank: ☒ Even with Invert ☐ Below Invert ☐ Above Invert	Hydraulic Test Initial Level: Inches ☐ Above ☐ Below Inlet
Approximate Gallons Water Added: ~250 Gallons	Liquid Level Rise (inches): 2 1/2
Length of Time Water Added: ~35 Minutes	Time to return to Initial: (30 minute max) 7 min
Dispersal Area Observation: ☒ Pass ☐ further evaluation required ☐ Fail	Hydraulic Test Evaluation: ☒ Pass ☐ Marginal ☐ Fail

I certify that I have performed the hydraulic test and that to the best of my knowledge and ability the information in PartVIII is correct

Print Name: Roland Acuna	Inspection Date: 1-14-15
Signature:	Malibu Approved Inspector Number: MKPA 12001

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City of Malibu

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Phone (310) 456-2489 · Fax (310) 317-1950 · www.malibucity.org

ONSITE WASTEWATER TREATMENT SYSTEM
FIXTURE UNIT WORKSHEET

This worksheet shall be used to determine the existing fixture unit count and the proposed fixture unit count for all planned alterations to existing structures. Floor plans may be required to confirm both existing and proposed conditions. When a new OWTS system only is proposed, complete only the proposed column of the worksheet. The completed worksheet shall be certified by an Architect, Civil Engineer, Environmental Health Specialist, or an "A", "C-42", "C-36" Contractors License.

Date: 1-14-15

Planning Division Reference Number: _____

Applicant: PACIFIC COAST MARIJUANA INC

Worksheet Certification by:

Address: [redacted]

Roland Acuna (Print name) — (Signature)

Number of Bedrooms (Existing): 10

CEG
Applicable California State License or Registration Type

Number of Bedrooms (Future): _____

CEG 2113 — 9-30-16
State License or Registration Number — Expiration Date

Type of Plumbing Fixture	Existing Fixtures	+	Proposed Fixtures	=	Total Fixtures	x	Unit Value	=	Existing Fixture Units	Total Future Fixture Units
	"A"		"B"		"(A + B)"		"C"		"A x C"	"(A + B) x C"
Bathtub or Combination Bath/Shower	10	+		=		x	2	=	20	
Bidet		+		=		x	2	=		
Bar Sink		+		=		x	1	=		
Clothes Washer	1	+		=		x	3	=	3	
Dishwasher		+		=		x	2	=		
Laundry Sink		+		=		x	2	=		
Lavatory (Wash Basin)	10	+		=		x	1	=	10	
Kitchen Sink	10	+		=		x	2	=	20	
Shower (Single Head)		+		=		x	2	=		
Water Closet (Flush Toilet)	10	+		=		x	6	=	60	
Other (MPC Table 7-3)		+		=		x		=		
Other (MPC Table 7-3)		+		=		x		=		

TOTAL EXISTING FIXTURE UNITS: 113

TOTAL FUTURE FIXTURE UNITS: 113

Notes

1. In completing this form, a room is considered a bedroom if it provides privacy, has an associated closet, and is in close proximity to a bathroom with bathtub and/or shower fixtures.
2. If an existing fixture is to be deleted from the project, indicate the fixture with a minus sign (–) next to the proposed fixture quantity in column "B".
3. For plumbing fixtures not shown in this table please refer to Malibu Plumbing Code (MPC) Table 7-3.

City of Malibu

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ONSITE WASTEWATER TREATMENT SYSTEM
FIXTURE UNIT WORKSHEET

This worksheet shall be used to determine the existing fixture unit count and the proposed fixture unit count for all planned alterations to existing structures. Floor plans may be required to confirm both existing and proposed conditions. When a new OWTS system only is proposed, complete only the proposed column of the worksheet. The completed worksheet shall be certified by an Architect, Civil Engineer, Environmental Health Specialist, or an "A", "C-42", "C-36" Contractors License.

Date: 1-15-15

Applicant: STRATA-TECH INC

Address: [redacted]

Number of Bedrooms (Existing): 8 EXISTING

Number of Bedrooms (Future): _____

Planning Division Reference Number: _____

Worksheet Certification by:

Roland Arvva — Print name

Signature

CEG 2113 — Applicable California State License or Registration Type

CEG 2113 — State License or Registration Number

9-30-2016 — Expiration Date

Type of Plumbing Fixture	Existing Fixtures "A"	+	Proposed Fixtures "B"	=	Total Fixtures "(A + B)"	x	Unit Value "C"	=	Existing Fixture Units "A x C"	Total Future Fixture Units "(A + B) x C"
Bathtub or Combination Bath/Shower	7	+		=		x	2	=	14	
Bidet		+		=		x	2	=		
Bar Sink		+		=		x	1	=		
Clothes Washer		+		=		x	3	=		
Dishwasher		+		=		x	2	=		
Laundry Sink		+		=		x	2	=		
Lavatory (Wash Basin)	7	+		=		x	1	=	7	
Kitchen Sink	6	+		=		x	2	=	12	
Shower (Single Head)		+		=		x	2	=		
Water Closet (Flush Toilet)	7	+		=		x	6	=	42	
Other (MPC Table 7-3)		+		=		x		=		
Other (MPC Table 7-3)		+		=		x		=		

TOTAL EXISTING FIXTURE UNITS: 75

TOTAL FUTURE FIXTURE UNITS: 75

Notes

1. In completing this form, a room is considered a bedroom if it provides privacy, has an associated closet, and is in close proximity to a bathroom with bathtub and/or shower fixtures.
2. If an existing fixture is to be deleted from the project, indicate the fixture with a minus sign (-) next to the proposed fixture quantity in column "B".
3. For plumbing fixtures not shown in this table please refer to Malibu Plumbing Code (MPC) Table 7-3.

DAVID L. RIGGLE, CONSULTING SANITARIAN

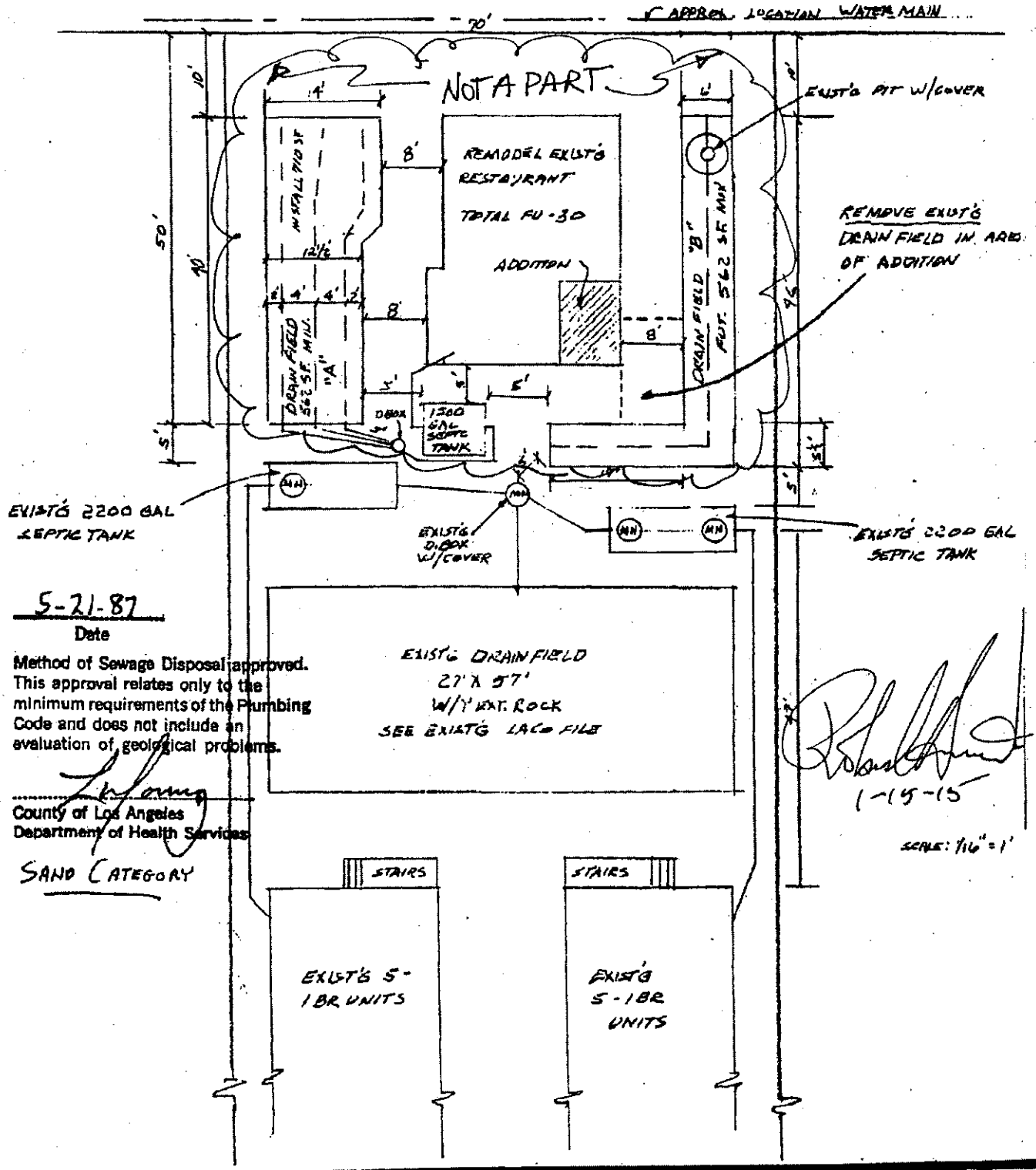
28832 Grayfox St., Malibu, CA 90265

(213) 457-2054

DATE. 5-11-87

PAGE [redacted]

PROJECT: 22800 PACIFIC COAST HWY, MALIBU



5-21-87

Date

Method of Sewage Disposal approved. This approval relates only to the minimum requirements of the Plumbing Code and does not include an evaluation of geological problems.

County of Los Angeles
Department of Health Services

SAND CATEGORY

1-15-15

Property Detail Report for:

DIGITAL MAP PRODUCTS Beyond Mapping

22800 PACIFIC COAST HWY, MALIBU, CA, 90265-5041

Owner Information:

Owner Name:	CARBON INVESTMENTS		
Mailing Address:	[redacted]		
Vesting Code:	COMPANY/CORPORATION	Phone Number:	

Location Information:

Legal Description:	LAND OF MATTHEW KELLER IN THE RANCHO TOPANGA MALIBU SEQUIT LOT ON SE LINE OF PACIFIC COAST HIGHWAY COM S 3 59' E 40 FT AND SW				
County:	LOS ANGELES	FIPS Code:	06037	Census Trct/Blk:	800504 / 1
APN:	4452-004-032	Alternative APN:		Map Ref:	H6-625
Twnshp-Rnge-Sect:	- -	Legal Book/Page:		Tract No:	
Legal Lot:	2	Legal Block:			
Subdivison:					

Last Market Sale Information:

Sale Date:	3/31/2005	Sale Price:		1st Mtg Amount:	$
Sale Doc No:	05-0740110	Price Per SqFt:		1st Mtg Int Type:	
Transfer Doc No:	05-0740110	Price Per Acre:		2nd Mtg Amount:	$
1st Mtg Doc No:				2nd Mtg Int Type:	
Sale Type:					
Deed Type:	GRANT DEED/DEED OF TRUST				
Title Company:					
Lender:					
Seller Name:	MARINA GLENCOE LP,				

Property Characteristics:

Building Area:	5,416	Total Rooms:		Construction:	
Living Area:	5,416	Bedrooms:		Heat Type:	
Garage Area:		Baths:	0	Air Cond:	
Basement Area:		Fireplace:		Roof Type:	
Parking Type:		No of Stories:		Roof Material:	
Yr Built/Effective:	1954 /	Quality:		Style:	
Pool Code:					

Tax and Value Information:

Assessed Value:	$5,912,871	Assessed Year:	2014	Est Market Val:	
Land Value:	$5,685,458	Property Tax:	$69,299	Assessor Appd Val:	
Improvement Value:	$227,413	Improvement %:	3.846		
Total Taxable Value:		Tax Exemption:			

Site Information:

Assessor Acres:	0.3	Zoning:	LCC2*	Land Use Code:	202
Assessor Lot SqFt:	13,027	No of Buildings:	2	Land Use Desc:	MULTIPLE USES
Lot W/D:	/	Res/Comm Units:		County Use Code:	1210
Calculated Acres:	0.2991	Sewer Type:			
Calculated Lot SqFt:	13,029	Water Type:			

City of Malibu

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FEE RECEIPT

Make Checks Payable to the City of Malibu

This is a receipt for the amount of fees collected as shown below. The number, date, and amount validated below has also been validated on your application or other document and has become a part of the records of the City of Malibu.

☐ Planning Review Case No.: _____

☐ Building and Safety Plan Check No.: _____

☐ Environmental Health Review Fee / Ref. No.: _____

☐ Geology / Geotechnical Review Fee/ Ref. No.: _____

☑ Operating Permit Fee/ Ref. No.: _____

☐ Registered Practitioner Registration Fee/Ref. No.: _____

☐ Other : _____

Applicant's Name: Stephen Caggero (Pacific Coast Management)

Job Address: 22806-14 Pacific Coast Hwy

Description of Work: Operating Permit Fee (2 Systems)

Date: 1/15/2015

☐ Cash ☐ Check CK # _____ ☑ Credit Auth # 507716

Subtotal: $ 850.00

Document Retention Fee: $ _____

Credit Card Fee: 2.36% $ 20.04

Amount Received: $ 870.04

Received by: (initials)

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City of Malibu

23825 Stuart Ranch Road, Malibu, California 90265-4861
Phone (310) 456-2489 Fax (310) 317-1950 www.malibucity.org/owts

Wastewater Management Program
Onsite Wastewater Treatment System Operating Permit

Address:	22800 PACIFIC COAST HWY Malibu, CA 90265
APN:	4452004032
Effective Date of Permit:	May 31, 2018
Expiration Date of Permit:	January 15, 2019
Operating Permit Number:	100113-001
Activity Type:	Renewal
Owner:	CARBON INVESTMENTS
Owner Mailing Address:	[redacted]
Management Company:	NA
Management Co. Address:	NA
System Type:	Conventional
Building(s) Served:	Commercial
Number of Systems:	1 of 1

The intent of an Operating Permit is to authorize the use of the subject onsite wastewater treatment system (OWTS) based on the inspection and assessment performed by a City of Malibu Registered Inspector attesting that the subject system is performing to its design intent. The issuance of an Operating Permit does not authorize or approve any modifications to the OWTS performed without benefit of Environmental Health approval and the issuance of a construction permit to perform such modifications. Additionally, the issuance of an Operating Permit does not authorize or approve the connection of any plumbing fixture to the subject OWTS without the benefit of Environmental Health approval and the issuance of a plumbing permit to install these plumbing fixture(s), without exception. Malibu Municipal Code Section 15.14.050 authorizes the issuance of an "Operating Permit" for OWTS that are determined to be operating as designed and intended. Failure to operate and maintain the OWTS in strict conformance to all approvals, applicable Federal, State, and City laws shall be justification for revocation of this operating permit and a misdemeanor violation punishable by up to $1,000.00 per day and up to six (6) months in jail per day per violation.

City of Malibu

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Phone (310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

Wastewater Management Program Onsite
Wastewater Treatment System
Operating Permit Application

GENERAL INFORMATION:

Site Address: 22800 PACIFIC COAST HWY.
APN: 4452-004-032
Application Type: ☐ Initial ☒ Renewal ☐ Point of Sale ☐ Change of Owner
Number of OWTS on subject property: ☐ One ☐ Two ☐ Three ☐ Four
Type of OWTS: ☒ Conventional ☐ Alternative ☐ Demonstration
Note: All non-conventional system must complete the section below
Type of Occupancy served by the OWTS:
☐ Residential (Single Family, Condos or Duplex)
☒ Multifamily (Triplex or greater)
☒ Commercial
Waste Discharge Permit: (Issued by the Los Angeles Regional Water Quality Control Board)
☐ Yes WDR Number: _____ Expiration Date: _____
☒ No

ALTERNATIVE/ADVANCED/DEMONSTRATION SYSTEMS INFORMATION:

System Manufacturer: _____
Model Name/Number: _____
Maintenance Provider: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone Number: _____
Email Address: _____
Contract Expiration Date: _____

Note: This application must be submitted with accompanying Official Inspection Form

CITY OF MALIBU
RECEIVED
MAY 30 2018
ENVIRONMENTAL SUSTAINABILITY DEPT.

Do not write below – City use only

Permit Fee Paid: Date: _____ By: _____
Received: Date: _____ By: _____
Review Date: _____ By: _____
Data Base Input: _____ By: _____
Effective Date: _____ Expiration Date: 1/13/17

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City of Malibu

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OFFICIAL INSPECTION FORM
ONSITE WASTEWATER TREATMENT SYSTEM
SECTION A
COMPLIANCE REPORT FORM

Property Address: 22800 PACIFIC COAST HWY.

Owner's Name: CARBON INVESTMENTS

Owner's Address: [redacted]

Date of Inspection: 4-11-18 Name of Inspector: DARRELL ROY Inspector Number: LP-12011

Company Name: DARRELL ROY ENT. INC Telephone Number: [redacted]

Mailing address: [redacted]

E-Mail Address: _____ Fax Number: [redacted]

CERTIFICATION STATEMENT

I certify that I have personally inspected the onsite wastewater treatment system at this address and that the information reported below is true, accurate and complete as of the time of the inspection. The inspection was performed based on my training and experience in the proper function and maintenance of onsite wastewater treatment systems. I am a City of Malibu approved System Inspector pursuant to Section 15.14.060, of the Malibu Municipal Code.

The Onsite Wastewater Treatment System:

- [x] **Passes**
- [ ] **Conditionally Passes**
- [ ] **Fails**

Inspector's Signature: Darrell Roy **Date:** 5-23-18

Malibu Approved Inspector Number: LP-12011

The System Inspector shall submit the original of the Official inspection report to the City of Malibu within 30 days of completing this inspection. A copy of this inspection report shall be given to the onsite wastewater treatment system owner. A copy of this inspection report shall be given to any prospective buyer, if applicable.

NOTE: It shall be a violation of this code for any person to falsify, misrepresent or fraudulently alter a system inspection report, or the result of an inspection. (Malibu Municipal Code, Section 15.14.060)

This report only describes conditions at the time of inspection and under the conditions of use at that time. This inspection does not address how the system will perform in the future under the same or different conditions of use.

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City of Malibu

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OFFICIAL INSPECTION FORM
ONSITE WASTEWATER TREATMENT SYSTEM
SECTION B

This inspection report is for regulatory purposes only and is not to be used or construed as a guarantee of future system performance.

This form is to be used for all required Onsite Wastewater Treatment System inspections required by Section 15.14.050 of Ordinance 321. The form must be completed by a City of Malibu Approved Inspector (Section 15.14.060). All sections of the form are to be completed in accordance to the "Guidelines for the Inspection of Onsite Wastewater Treatment Systems in the City of Malibu".

A plot plan of the OWTS and site must be attached to this report. Please refer to the Guidelines for the specifications required.

Part I Site Information

Property Owner: CARBON INVESTMENTS	Site Address: 22800 PAC. CST. HWY.
Mailing Address: [redacted] X [redacted]	Site APN: 4452-004-032
City, State, Address: [redacted]	Site Location: CENTRAL MALIBU
Telephone Number	Additional Information:

Part II History

OWTS Permit on file with City: ☐ Yes ☐ No Percolation test on file with City: ☐ Yes ☒ No		Building Type: ☐ Single Family Residence ☐ Multifamily ☒ Commercial ☐ Condominium	
Building Serviced by OWTS: ☒ Occupied ☐ Seasonal Use		Building Construction Date: 1954	
Number of Bedrooms: 8 Fixture Unit Count: 94		Maintenance Contract for OWTS: ☐ Yes ☒ No	
OWTS Permit Number: N/A	Date Issued: N/A	Date of Final Approval for Installation: 5-11-87	Age of System (installation date or approximate age)

Part III System Type

Type of OWTS Installed: ☒ Conventional ☐ Alternative/Advanced ☐ Demonstration ☐ Holding Tank	System Type Permitted by City: ☒ Yes ☐ No
Information for all Alternative/Advanced System Types: ☐ Secondary Treatment Component ☐ Disinfection Component ☐ De-Nitrification	Grey Water System: ☐ Yes ☒ No Permit: ☐ Yes ☐ No Removed: ☐ Yes ☐ No
Influent (Sewage) Type: ☐ Residential ☒ Multifamily ☐ Condominium ☒ Commercial ☐ Restaurant	Appearance of Influent: ☒ Normal ☐ High Strength ☐ Weak

NOTE: All alternative/advanced OWTS will require submission of system approval from the maintenance provider

Part IV - Tanks

Tank #1
Manufacturer: UNKNOWN Capacity: 2,200 gal

Condition of tank: [X] Acceptable [ ] Struct Unsound [ ] Infiltration [ ] Exfiltration

Tank Pumped for Inspection: [ ] Yes [X] No [ ] Recommended [ ] Not Required

Septage Levels: Scum: 3 in Effluent: in Sludge: 5 in

Function of Tank: [X] Septic [ ] Treatment [ ] Pump vault [ ] Dosing [ ] Grease

Manhole Risers: Present [X] Yes [ ] No Diameter: 24"
Depth of Soil Cover Over Tank: 4 ft 0 in

Liquid Level in Tank: [X] Normal [ ] Below Normal [ ] Above Normal

Number of Tank Compartments: [ ] One [X] Two [ ] Three [ ] Other ____

Tank Material: [X] Concrete [ ] Fiberglass [ ] Plastic [ ] Metal [ ] Block [ ] Other

Condition of Baffles: [X] Pass [ ] Damaged [ ] Fail

Effluent Filter: [ ] Yes [ ] Cleaned [X] No [ ] Installed [ ] Insp [ ] Recommended

Inlet Tee: [X] Pass [ ] Damaged [ ] Fail
Outlet Tee: [X] Pass [ ] Damaged [ ] Fail

Setback Distance	Building	Lot line	Stream	Well
	50 ft	10 ft	N/A ft	N/A ft

Tank: [X] Passes [ ] Conditionally Passes [ ] Fails

Additional Comments:

Tank #2
Manufacturer: UNKNOWN Capacity: 2,200 gal

Condition of tank: [X] Acceptable [ ] Struct Unsound [ ] Infiltration [ ] Exfiltration

Tank Pumped for Inspection: [ ] Yes [X] No [ ] Recommended [ ] Not Required

Septage Levels: Scum: 2 in Effluent: in Sludge: 3 in

Function of Tank: [X] Septic [ ] Treatment [ ] Pump vault [ ] Dosing [ ] Grease

Manhole Risers: Present [X] Yes [ ] No Diameter: 24"
Depth of Soil Cover Over Tank: 4 ft 0 in

Liquid Level in Tank: [X] Normal [ ] Below Normal [ ] Above Normal

Number of Tank Compartments: [ ] One [X] Two [ ] Three [ ] Other ____

Tank Material: [X] Concrete [ ] Fiberglass [ ] Plastic [ ] Metal [ ] Block [ ] Other

Condition of Baffles: [X] Pass [ ] Damaged [ ] Fail

Effluent Filter: [ ] Yes [ ] Cleaned [X] No [ ] Installed [ ] Insp [ ] Recommended

Inlet Tee: [X] Pass [ ] Damaged [ ] Fail
Outlet Tee: [X] Pass [ ] Damaged [ ] Fail

Setback Distance	Building	Lot line	Stream	Well
	50 ft	50 ft	N/A ft	N/A ft

Tank: [X] Passes [ ] Conditionally Passes [ ] Fails

Additional Comments:

I certify that I have inspected the tank(s) and that to the best of my knowledge and ability the information in Part IV is correct

Print Name: DARRELL ROY ENT. INC
Inspection Date: 4-11-18

Signature: Darrell Roy
Malibu Approved Inspector Number: IP-12011

Part V Distribution

Distribution Type: [ ] Direct Connection [X] Box [ ] Manifold [ ] Hydrosplitter [ ] other

Access Riser to Grade: [X] Yes [ ] No
Riser Diameter: 10"

Distribution System Material of Construction: [X] Concrete [ ] Plastic/polymer [ ] Fiberglass [ ] Other

Condition of Distribution System: [X] Pass [ ] Damaged/needing repair [ ] Failed

Additional Comments:

Observed Deficiencies (if any): [ ] Roots [ ] Cracks [ ] Water Infiltration [ ] Evidence of Ponding [ ] Sludge [ ] Unlevel

I certify that I have inspected the tank(s) and that to the best of my knowledge and ability the information in Part V is correct

Print Name: DARRELL ROY ENT. INC.
Inspection Date: 4-11-18

Signature: Darrell Roy
Malibu Approved Inspector Number: IP-12011

Recycled Paper

Part VI Pump Station

Pump Vault Type: ☐ In Tank Vault ☐ Pump Station Vault ☐ Dosing	Access: ☐ Yes ☐ No Diameter:
Pump Vault Material: ☐ Concrete ☐ Fiberglass ☐ Plastic ☐ Metal ☐ Other	Condition of Vault: ☐ Acceptable ☐ Struct Unsound ☐ Infiltration ☐ Exfiltration
Pumps: ☐ Simplex ☐ Duplex ☐ Other Pump Elevated: ☐ Yes ☐ No	Pump Operation: ☐ Pass ☐ Fail ☐ Pump Replaced ☐ Incorrect Pump
Alarms: High Water Alarm: Alarm System: ☐ Yes ☐ No ☐ Yes ☐ No ☐ Pass ☐ Fail	Floats: ☑ Pass ☐ Needs Adjustment ☐ Fail
Comments:	

I certify that I have inspected the Pump Station(s) and that to the best of my knowledge and ability the information in Part VI is correct	
Print Name:	Inspection Date:
Signature:	Malibu Approved Inspector Number:

Part VII Dispersal System-Seepage Pit (s)

	Diameter	Total Depth	Depth to Liquid From Surface	Dosed by Pressure Line	Accessible for Inspection
Pit #1				☐ Yes ☐ No	☐ Yes ☐ No
Pit # 2				☐ Yes ☐ No	☐ Yes ☐ No
Pit #3				☐ Yes ☐ No	☐ Yes ☐ No
Pit #4				☐ Yes ☐ No	☐ Yes ☐ No
Pit #5				☐ Yes ☐ No	☐ Yes ☐ No

Impermeable Surface Over Area: ☐ Yes ☐ No Water in Observation Ports: ☐ Yes ☐ No Depth in.	Evidence of Surface Discharge/Breakout: ☐ Yes ☐ No Evidence of Storm Water Ponding: ☐ Yes ☐ No
Hydraulic Performance Test: ☐ Yes ☐ No Dispersal Area: ☐ Breakout ☐ Wetness ☐ Odors	Pressure Distribution System: ☐ Yes ☐ No
Condition of Seepage Pit(s): ☐ Pass ☐ Conditionally Pass ☐ Fail	
Comments:	

I certify that I have inspected the Pump Station(s) and that to the best of my knowledge and ability the information in Part VI is correct	
Print Name:	Inspection Date:
Signature:	Malibu Registered Inspector Number:

Recycled Paper

Part VIII Dispersal System-Leach Bed (s)

Type:	Unit Length:	Unit Width:	Thickness of Filter Rock:	Dosed by Pressure Line ☐ Yes ☒ No
Leach Trench				
Drainfield	57	27	UNKNOWN	
Drip System				

Impermeable Surface Over Area: ☒ Yes ☐ No
Evidence of Surface Discharge/Breakout: ☐ Yes ☒ No
Water in Observation Ports: ☐ Yes ☐ No Depth in
Evidence of Storm Water Ponding: ☐ Yes ☒ No
Hydraulic Performance Test: ☒ Yes ☐ No
Pressure Distribution System: ☐ Yes ☒ No
Dispersal Area: ☐ Breakout ☐ Wetness ☐ Odors
Condition of Leach Bed(s):
☒ Pass ☐ Conditionally Pass ☐ Fail
Comments:

I certify that I have inspected the Pump Station(s) and that to the best of my knowledge and ability the information in Part VI is correct

Print Name:	Inspection Date:
DARRELL ROY ENT. INC	4-11-18
Signature: Darrell Roy	Malibu Registered Inspector Number: IP-12011

Part IX Hydraulic Test

Initial Static Liquid Level in Tank:	Hydraulic Test Initial Level:
☒ Even with Outlet ☐ Below Outlet ☐ Above Outlet	Normal Inches ☐ Above Outlet ☐ Below Outlet
Approximate Gallons Water Added: (300 Gal. Minimum): 400 Gallons	Liquid Level Rise (inches): Ø
Length of Time Water Added: (10 Minutes Minimum) 40 Minutes	Time to Return to Initial: (30 Min. Max) Ø
Dispersal Area Observation: ☒ Pass ☐ Further Evaluation Required ☐ Fail	Hydraulic Test Evaluation: ☒ Pass ☐ Marginal ☐ Fail

I certify that I have inspected the Pump Station(s) and that to the best of my knowledge and ability the information in Part VI is correct

Print Name:	Inspection Date:
DARRELL ROY ENT. INC	4-11-18
Signature: Darrell Roy	Malibu Registered Inspector Number: IP-12011

The intent of an Operating Permit is to authorize the use of the subject Onsite Wastewater Treatment System based on the inspection and assessment performed by a City of Malibu Registered Inspector attesting that the subject system is performing to its design intent. The issuance of an Operating Permit does not authorize or approve any modification to the Onsite Wastewater Treatment System performed without benefit of Environmental Health approval and the issuance of a construction permit to perform such modifications. Additionally, the issuance of an Operating Permit does not authorize or approve the connection of any plumbing fixture to the subject Onsite Wastewater Treatment System without the benefit of Environmental Health approval and the issuance of a plumbing permit to install these plumbing fixture(s), without exception.

City of Malibu

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Supplemental Alternative/Advanced Treatment Systems Information Form
SECTION C

This form shall be attached to the required "Official Inspection Form Onsite Wastewater Treatment System" when an inspection is performed on an Advanced/Alternative OWTS in accordance with Ordinance 321 and the City of Malibu's Operating Permit Program.

Part X Advanced Systems		
	Manufacturer:	Model:
	Wastewater Vessels other than a Septic Tank: ☐ Yes ☐ No	Type of Vessel: ☐ Treatment ☐ Holding ☐ Equalization ☐ Dosing ☐ Pump
	System Functioning in Accordance to Design: ☐ Yes ☐ No	System Controls: Controls Tested: ☐ Yes ☐ No ☐ Yes ☐ No
	Pumping Systems: ☐ Yes ☐ No ☐ Functional	Blower: Operational / Maintenance Required ☐ Yes ☐ No ☐ N/A ☐ Yes ☐ No
	Disinfection Unit: Operational ☐ Yes ☐ No ☐ Yes ☐ No	Disinfection Unit Type: ☐ UV ☐ Chloronation/Dechloronation ☐ Ozination
	Fixed Film Aerobic System Media Condition: ☐ Good ☐ Poor ☐ Replaced ☐ N/A	Media Filter System Condition of Media: ☐ Good ☐ Poor ☐ Replaced ☐ N/A
	Pressure Dosed: ☐ Yes ☐ No	Spray System Condition: ☐ Good ☐ Poor ☐ Repaired
	Maintenance Provider:	Contract Expiration Date:
	Date of Last Maintenance:	Status at Last Maintenance:
	Comments/Identify Issues:	

I certify that to the best of my knowledge and ability the information in Part X is correct	
Print Name:	Inspection Date:
Signature:	Malibu Registered Inspector Number:

Attach a copy of the last maintenance report provided by the Maintenance Contractor.

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ONSITE WASTEWATER TREATMENT SYSTEM
FIXTURE UNIT WORKSHEET

This worksheet shall be used to determine the existing fixture unit count and the proposed fixture unit count for all planned alterations to existing structures. Floor plans may be required to confirm both existing and proposed conditions. When a new OWTS system only is proposed, complete only the proposed column of the worksheet. The completed worksheet shall be certified by an Architect, Civil Engineer, Environmental Health Specialist, City of Malibu Registered Practitioner, or an "A", "C-42", "C-36" Licensed Contractor.

Date: 5-23-18

Planning Division Reference Number: _____

Applicant: _____

Address: 22800 PAC CST. HWY

Number of Bedrooms (Existing): 8

Number of Bedrooms (Future): _____

Worksheet Certification by:

DARREL ROY EM. INC
Print name

Signature

Applicable California State License or Registration Type

65/852
State License or Registration Number

9-30-18
Expiration Date

Type of Plumbing Fixture	Existing Fixtures	+	Proposed Fixtures	=	Total Fixtures	x	Unit Value	=	Existing Fixture Units	Total Future Fixture Units
	"A"		"B"		"(A + B)"		"C"		"A x C"	"(A + B) x C"
Bathtub or Combination Bath/Shower	8	+		=		x	2	=	16	
Bidet		+		=		x	2	=		
Bar Sink		+		=		x	1	=		
Clothes Washer	2	+		=		x	3	=	6	
Dishwasher		+		=		x	2	=		
Laundry Sink		+		=		x	2	=		
Lavatory (Wash Basin)	8	+		=		x	1	=	8	
Kitchen Sink	8	+		=		x	2	=	16	
Shower (Single Head)		+		=		x	2	=		
Water Closet (Flush Toilet)	8	+		=		x	6	=	48	
Other (MPC Table 7-3)		+		=		x		=		
Other (MPC Table 7-3)		+		=		x		=		

TOTAL EXISTING FIXTURE UNITS: 94

TOTAL FUTURE FIXTURE UNITS: _____

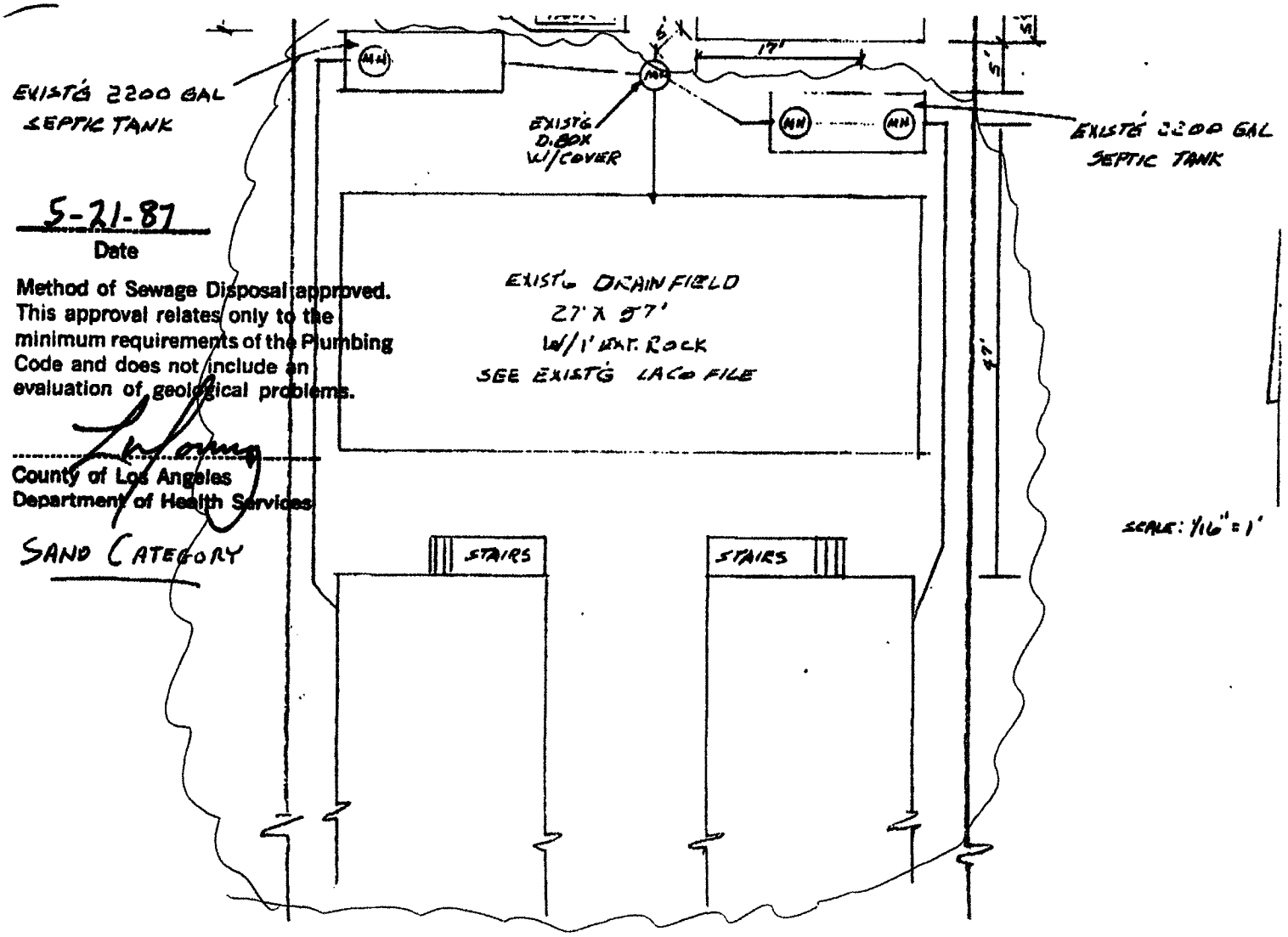
Notes

*The fixture units listed on this form may not reflect the permitted number of fixture units on file with the City. Please consult with City staff to determine the approved number of fixture units for the building(s).

1. In completing this form, a room is considered a bedroom if it provides privacy, has an associated closet, and is in close proximity to a bathroom with bathtub and/or shower fixtures.
2. If an existing fixture is to be deleted from the project, indicate the fixture with a minus sign (–) next to the proposed fixture quantity in column "B".
3. For plumbing fixtures not shown in this table please refer to Malibu Plumbing Code (MPC).

22800 PACIFIC COAST HWY.

Oswald Ry Ast. Ltr. 5-23-18



5-21-87
Date

Method of Sewage Disposal approved. This approval relates only to the minimum requirements of the Plumbing Code and does not include an evaluation of geological problems.

County of Los Angeles
Department of Health Services

SAND CATEGORY

City of Malibu

23825 Stuart Ranch Road
Malibu, California 90265
(310) 456-2489 FAX (310) 456-7650
www.malibucity.org

Fee Receipt

Receipt #:	13861
Receipt Date:	05/30/2018
Customer #:	7896
Station:	COUNTER-EH
Operator:	cmanisco

Payee

Name/Address

Pacific Coast Management

[redacted]

Project List

Fee Type	Permit Type	Case #	Property Address	Occupant	Fees	Credit Card Fee	Total Fees
Other Fees		0003365	22800 PACIFIC COAST HWY		$1,202.00	$28.37	$1,230.37
					$1,202.00	**$28.37**	**$1,230.37**

Payments

Payment Type	Total Payment	Reference
Credit Card	$1,230.37	05818G
	$1,230.37	

Fee Items

Other Fees Ref #: 0003365

Item Description	Qty	Fee Each	Total Fee	Previous Payments	Total Paid
EH: Oper Com	1.00	$892.00	$892.00	$0.00	$892.00
EH: OWTS Code	1.00	$310.00	$310.00	$0.00	$310.00
Credit Card Fee	1.00	$28.37	$28.37	$0.00	$28.37
			$1,230.37	**$0.00**	**$1,230.37**

TOTAL FEES	$1,230.37
TOTAL PAYMENTS	$1,230.37
TOTAL DUE	$0.00

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October 14, 2021

Pacific Coast Management, LLC
[redacted]
Attention: Val Zingaro

Re: Conditional Use Permit (CUP) No. 21-008 – Conversion of Multi-Family Structures to Motel Use
22800 Pacific Coast Highway

Zoning/Land Use Designation: Commercial Visitor Serving (CV-1) zone.
CCC Appeal Jurisdiction: Located within the appealable jurisdiction of the coastal zone

Dear Ms. Zingaro:

On September 15, 2021, the above-referenced application was submitted to the City of Malibu Planning Department.

The proposed project involves:

- Conversion of two existing, non-conforming two-story multi-family residential structures containing four units each to an eight-unit motel.
- The project does not propose any interior or exterior alterations, construction, or demolition.

On October 14, 2021, Planning staff completed a review of the subject application and determined that the application is **INCOMPLETE**.

To move forward on this application, please complete the following items:

1. Staff needs to visit the property to take photographs and document existing site conditions. Please contact staff to set up a time for a site visit.

2. Per Malibu Municipal Code (MMC) Section 17.66.030, please submit a market analysis indicating a clear and compelling economic and social need in the City for the proposed use, and demonstrate its economic viability, and impact on city services. The market analysis will be attached to agenda reports for consideration by the Planning Commission.

3. Local Coastal Program (LCP) Local Implementation Plan (LIP) requires that the applicant to demonstrate whether the motel will provide rooms below 120 percent of the median cost of overnight room for all overnight accommodations in the City of Malibu or either provide lower cost accommodations for 15 percent of the rooms or pay an *in lieu* fee. Please provide all information to demonstrate compliance with this requirement.

4. The Planning Department is in receipt of letters from the applicant stating that no outdoor lighting is proposed. However, the Dark Sky Ordinance requires compliance with new exterior lighting requirements. Please provide exterior lighting plans to demonstrate compliance.

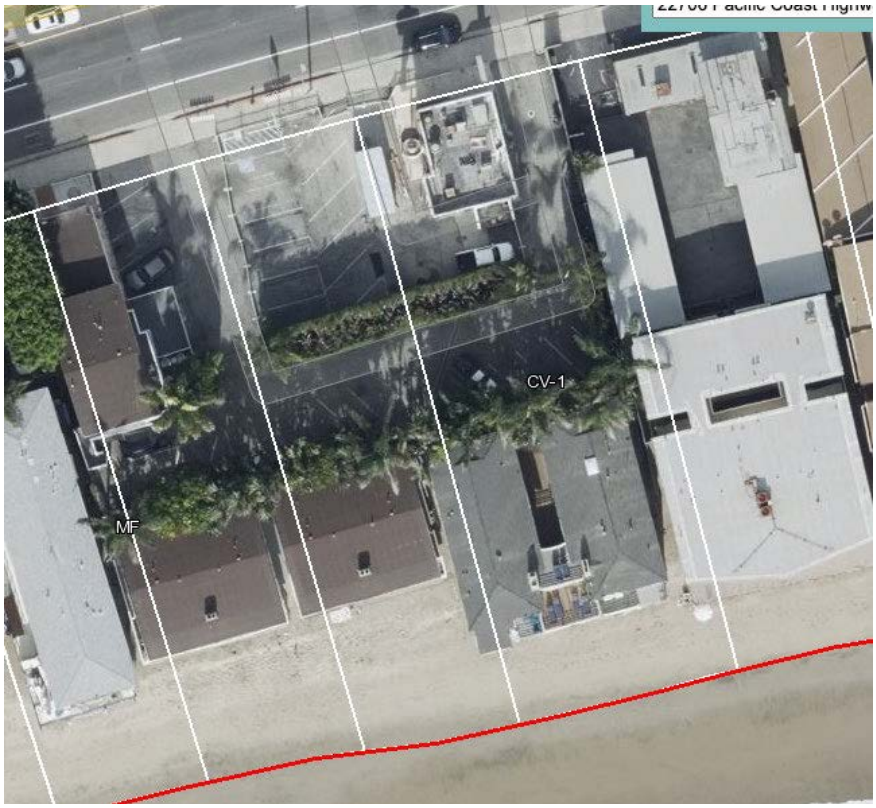
5. Please provide —
    a. Proposed landscape area, if any
    b. Proposed open space area, if any

    If neither landscaping nor open space are proposed, please provide a letter stating that neither are proposed.

6. Provide a letter to the Planning Department stating the current status of the single-story commercial building which fronts onto the Pacific Coast Highway. MMC Section 17.02.060 (Definitions) states that motels shall not "…provide accessory uses such as restaurants or meeting rooms…". The application must include a record of how this building is intended to be used since it is on the same property and the on-site parking is intended solely for the proposed motel use.

7. The property has been modified over the years. Please demonstrate that those modifications were established with permits or City approvals otherwise the project must be modified to comply with original approved plans. Please note that any unpermitted non-conformity must be addressed such as the number of parking spaces, space dimensions, aisle width, landscaping, etc.

8. Please confirm the ownership status of 22806 Pacific Coast Highway (APN 4452004044). The City's GIS system displays two separate lots in this project area. See image below:



9. Sheet A-1.0
    a. Provide dimensions for each parking space[1]. Make sure those dimensions are consistent with approved plans or better. If additional parking spaces are required for the motel compared to the existing apartment use, a variance request would be required. Also, if the required parking spaces are the same for these two uses but the number of parking spaces have been decreased or dimensions decreased in conflict with the new code requirements, a variance would be required.
    b. Indicate that tire stops are provided for each parking space. Section 17.48.050.D.5 (Development standards) stipulates that tire stops shall be provided within all parking areas.
    c. Provide the necessary information displaying conformance with the parking lot landscaping requirements dictated in MMC Section 17.48.050.E:
        a. A landscaped planter bed of at least five feet in width with a six-inch high cement concrete berm shall be installed along the entire perimeter except for those areas devoted to perpendicular accessways.
        b. A minimum of five percent of the paved parking area shall be devoted to interior planting areas. Extensive use of trees is encouraged. All planting areas shall be at least three feet wide. Perimeter planting shall not be considered part of this required interior planting.

A full conformance review will be completed for the plans once these comments are addressed and new plans are submitted.

Outstanding Departmental Reviews:

10. Approval from the Public Works Department. Please contact Alyssa Gonzalez at (310) 456-2489, extension 262 for submittal requirements or review status.

11. Approval from the Los Angeles County Fire Department Fire Prevention Engineering Assistant. Please contact this agency at (818) 880-0341 for submittal requirements or review status.

Additional Fees and Documents:

12. A Notice of Application sign must be posted at the subject property. The sign will be provided to you and must be posted and then photographed for legal record. The posting may be done at any time before the project is deemed complete. Planning will provide the sign after the project description is finalized.

Document Submittals: Please note that the City requires that all documents be submitted in digital format. Documents should be saved as an Adobe PDF as individual PDF files. Plans shall be grouped and named by discipline (e.g., architectural, grading, civil, etc.).

Additional comments may be forthcoming upon receipt of revised plans and/or new information. Please submit or address the above listed items **within 45 days** so that we may continue processing your request. If you have any questions, please contact me at (203) 962-9078, or at pisarkiewicz@civicsolutions.com.

[1] MMC Section 17.48.050.D.7 (Development standards) states that parking stalls shall be at least 9 feet wide by 20 feet deep minimum. Compact stalls shall be a minimum of 8 feet by 15 six inches and shall be marked for compact use only. Compact spaces shall not exceed 20 percent of the total number of spaces required. Please indicate the number of compact spaces and number of typical spaces and proof that the number of compact spaces does not exceed 20 percent of the number of required spaces.

Sincerely,

Adam Pisarkiewicz
Contract Planner

City of Malibu

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ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator

FROM: City of Malibu Planning Department **DATE:** 9/15/2021

PROJECT NUMBER:	CUP 21-008
JOB ADDRESS:	22800 PACIFIC COAST HWY
APPLICANT / CONTACT:	Val Zingaro, Pacific Coast Management, LLC
APPLICANT ADDRESS:	PO BOX 25070 Ventura, CA 93002
APPLICANT PHONE #:	(718)483-1995
APPLICANT FAX #:	
APPLICANT EMAIL:	Val@pcmllc.com
PROJECT DESCRIPTION:	Convert apartments to Motel

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

☒ **Conformance Review Complete** for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

_____ **Conformance Review Incomplete** for the City of Malibu LCP/LIP and MMC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☐ **NOT REQUIRED**

☐ **REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Matthew Sinnock — October 7, 2021 (rev. July 24, 2025)

Signature **Date**

The applicant must submit to the City of Malibu Environmental Health Specialist to determine whether or not an onsite wastewater treatment system (OWTS) Plot Plan approval is required.

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.

City of Malibu

Environmental Health • Environmental Sustainability Department
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Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Val Zingaro, Pacific Coast Management Val@pcmllc.com		
Project Address:	**22800 Pacific Coast Highway (Apartments)** Malibu, California 90265		
Planning Case No.:	CUP 21-008		
Project Description:	Convert apartments to Motel		
Date of Review:	October 7, 2021 (rev. July 24, 2025)		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489 ext. 307	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	LA Drafter: Plans dated 8-26-2013 (received 9-27-2021)
Fixture Worksheet:	
Operating Permit:	Active; expires 1-15-2023
Miscellaneous:	LA County: OWTS approval dated 5-21-1987
Previous Approval:	
Previous Reviews:	

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	☐	**CONFORMANCE REVIEW INCOMPLETE** for the City of Malibu LCP/LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	☒	**NOT REQUIRED**
	☐	**REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Environmental Health **conformance review** has been completed for the development proposal described in the project description provided by the Planning Department and the project plans and reports submitted to this office. Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the project. In order to obtain Environmental Health final approval of the project construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

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Conditions of Planning Conformance Review for Building Plan Check Approval:

1) **Building Plans:** All final project plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

   The final floor plans must show no more than 9 bedrooms and 94 drainage fixture units across the 9 units.

2) **Remodel and OWTS Upgrade:** Per Section 15.40.050 of the Malibu Municipal Code, any renovation (i.e., interior remodel) of the units will require upgrade to an advanced onsite wastewater treatment system. The applicant shall confirm in writing that no remodel is included in the current scope of work prior to Environmental Health Building Plan Check approval. Please submit existing and proposed floor plans, as appropriate.

3) **Environmental Health Final Review Fee:** A fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health Building Plan Check review.

-o0o-

If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file
Planning Department

Recycled Paper

City of Malibu

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July 26, 2012

Michael Faulconer, AIA
[redacted]

Reference: **Pre-Application No. 12-033**
22800 Pacific Coast Highway
A pre-application regarding the demolition of a restaurant, construction of a new two-story building and interior remodel of two existing apartment buildings

Dear Mr. Faulconer:

On **July 12, 2012,** the above-referenced pre-application (PA) was submitted to the City of Malibu Planning Department. The subject parcel are zoned Commercial, Visitor Serving - 1 (CV-1). For your reference, the subject parcel is located within the Appeal Jurisdiction of the California Coastal Commission (CCC).

Pursuant to the PA request, Planning staff completed a review of the submitted materials. This response is based on the question and preliminary plans provided by the applicant.

1. Do the plans correctly reflect the replacement of less than 50 percent of exterior walls permitted for non-conforming structures?

   Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.5(C), demolition and/or reconstruction of a non-conforming structure may not exceed 50 percent. Based on the information provided, it appears that the proposed reconstruction appears to be in conformance with this requirement. However, upon a formal application, staff may request for detail sheets, foundation plans or a letter from structural engineer to confirm compliance with this requirement. Please note that reinforcing the foundation or other structural alterations to a non-conforming structure may qualify it as a replacement structure and its non-conforming status may be lost.

2. Is the westerly side yard deck as shown on the plans allowable?

   Pursuant to LIP Section 3.5.3(8)(4), raised decks shall provide at least three feet of required yards. Therefore, the portion of the deck seaward of the existing bulkhead must maintain a minimum side yard setback of three feet.

3. Are there any other issues with our proposed design as submitted with this application that do not conform to the City Codes?

Pursuant to the permitted uses table in the Local Coastal Program (LCP), multi-family residential (i.e., apartments) is not a permitted in the applicable zoning district. Permitted uses in the applicable zoning district are limited to commercial development. Pursuant to LIP Section 3.8(5)(a), the gross square footage of all buildings on a given parcel shall be limited to a maximum floor area ratio (FAR) of 15 percent of the lot area. As the square footage of the existing apartment buildings may already exceed the maximum FAR, new square footage would not be permitted.

The rear portions of the buildings appear to have additions without the benefit of permits. If it could not be verified that these additions were constructed with permits, modifications to these areas cannot be permitted.

The wall/hedge in between the partment buildings and the restaurant and trash enclosure appear to have been constructed without the benefit of Planning approval. These structures eliminated several required parking spaces and adversely affect circulation and Fire Department access.

Additional information from a complete application submittal would be required to establish conformance with applicable design and development standards. This review letter is non-binding and may not be construed as a zoning approval. It is based solely on applicable regulations, policies, and interpretations effective at the time of the review. Any changes to applicable zoning regulations, policies and/or interpretations may result in a different determination at a later date and may require modifications to the project.

If you have any questions, do not hesitate to contact me at (310) 456-2489, extension 482, or at afernandez@malibucity.org.

Sincerely,

Adrian Fernandez
Assistant Planner

Received
8/4/25
Planning Div.

From: Bill Sampson
To: Planning Commission; Elizabeth Riddick; Dennis Smith; John Mazza; Skylar Peak; Marni Kamins
Subject: Re: Item 5B (LaSalsa) meeting of August 4, 2025
Date: Sunday, August 3, 2025 6:22:31 PM
Attachments: MTCoppositionlasalsamotel.clean copy.docx

Honorable Commission members:

I am the president of the Malibu Township Council. I attach the opposition of the Malibu Township Council to the above-referenced proposal as proposed. I have additionally authorized as president other members of the Board of Directors of MTC, including without limitation, Jo Drummond, Patty Healy, Ryan Embree, to address this item as all have viewpoints quite worthy of your consideration as you take the correct step and deny this application.

May I also add that the staff report continually insists that there is compliance with MMC without ever mentioning the Vision and Mission Statements, with which the project is not in compliance. See Malibu Municipal Code Section 17.02.030 which sets forth those statements verbatim and makes them part of our governing law. As you probably know they are likewise set forth in the General Plan Section 1.0. THEY ARE THE LAW GOVERNING MALIBU above all others.

Thank you for your consideration

Bill Sampson, President, Malibu Township Council

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 8/4/25 Time 7:30 AM
Planning Commission meeting of 8/4/25
Agenda Item No. 5B
Total No. of Pages 3

Civic Guardian Since 1947

August 4, 2025
RE: Item 5 B - CDP 23-040 CUP - 21-008 - La Salsa Motel and former commercial space
Position: more information needed for approval
Honorable Planning Commission,
Since 1947, the Malibu Township Council has advocated for responsible development that protects the rural character and safety of our community.

The project cannot proceed as submitted for the following reasons:

1. What has historically been the accurate bedroom or fixture count for the "apartments". OWTS operating permits attached from 2010 and 2016 state the number of bedrooms at "10" and the number of fixture counts at 113. And then the latest in 2018 states there are 8 bedrooms and 94 fixtures. In 2021 the application submitted was for two 4-unit residential structures to be converted to an 8-room motel. Suddenly in July 2025 this was revised to 9 bedrooms without any explanation. If a remodel took place illegally within the apartments structures this would 1. require a new AOWTS and also. require a larger OWTS that could handle at least 94 fixture counts where the current 2200-gallon tank only handles less than 55 fixture counts as per the MMC. The prior applications asked for existing photos or evidence of what was there prior to this application yet we could not find them. Were they never submitted ?

2. The adjacent commercial PCH restaurant remains closed and apparently uses the same parking. This is just like Malibu Inn/Dreamland/Aviator Nation being contiguous with common ownership but conveniently ignoring the adjacent use. There are not enough dedicated spots for both commercial uses of this property. In addition, there is not the required parking for the proposed 9 units plus the onsite manager site and cleaning staff parking for this motel use. Furthermore under Malibu's definition of a motel, motel room parking is supposed to have direct access to guest rooms which is not possible here.

2. The Serial-Development for the former La Salsa restaurant building remains a BIG RED FLAG. Perhaps a demolition permit is in order or should be required to ensure that one approval does not create further non-conformance of business operations for the remaining/adjacent use/parcel. There would however, NOT be enough parking for both uses.

3. There is missing a Motel business office and/or caretaker's unit, the requisite parking for that use would be analyzed in the Application. Further investigation into the history of permits and/or code violations for the former La Salsa building needs to occur as it is rather lacking in this Application, AGAIN, as it was in the former attempt two years ago.

4 What's with the Septic performance, inspection, capacity? The existing septic system does have regular performance issues likely because it is too small for the large usage there.

5. Why was the former Application withdrawn? or denied?

6. If a motel use is allowed there will be a loss of 9 residential units. Is this a good idea when due to the fires in the past seven years there is a loss of residential housing since many of the lost homes will never be rebuilt. This is something the Planning Commission should consider..

7. The future use of the la Salsa restaurant needs to be included in this application before a decision on this conversion can be made.

Beachfront Business Uses are Always About the Parking

The requirement for 2 ADA spaces is triggered at some point, which is pertinent to this Application.

This property has long been used for transient housing rented by the hour!. A minimum standard for rental use must be included in any CUP granted with a certain and substantial portion being held for long term housing that is required within our City's housing element.

Please delay approval of this project until all of the above concerns are answered in an updated staff report.

Thank you for your consideration of our concerns.

Sincerely Malibu Township Council
Bill Sampson , President

Established to promote, stimulate and further community spirit, to sponsor any project of merit that may benefit any district of Malibu Township, to foster and promote the cultural development of the Township; and in general, to do all things that tend to build and uphold the character of this residential area.

— Malibu Township Council Articles of Incorporation, January 2, 1947

MALIBU TOWNSHIP COUNCIL
PO BOX 803
MALIBU, CA 90265

Received
12/1/25
Planning Div.

From: Malibu Township Council [redacted]
Sent: Sunday, November 30, 2025 8:39 PM
To: Planning Commission <planningcommission@malibucity.org>; John Mazza [redacted]; Drew Leonard [redacted]; Elizabeth Riddick [redacted]; Marni Kamins [redacted]; Skylar Peak [redacted]; Gail Duncan <gduncan@malibucity.org>
Cc: Bill Sampson [redacted]; Patt Healy [redacted]; Tyler Eaton <teaton@malibucity.org>; Jyoti Drummond [redacted]; Rebecca Evans <revans@malibucity.org>
Subject: La Salsa motel - potential email to pc after discussing with Patt

Hope you all had a very Happy Thanksgiving, Planning Commissioners et al...

I'm writing on behalf of Malibu Township Council to share that we are now satisfied with the attached proposed CDP application. We appreciate the clarification that the former commercial structure (the old restaurant) will be incorporated into the project as the on-site manager's office for the proposed 9-room motel. This ensures that all parking is dedicated solely to the motel use and not shared with an independent commercial operation.

We are also pleased to see confirmation—through verified County documentation—that all nine units with bathrooms were previously permitted. The only remaining correction needed is on page 25 of the staff report (see attached below), where the plans currently label the structure as:

"EXISTING VACANT ONE-STORY BUILDING 22800 — NOT INCLUDED IN PROJECT APPLICATION."

This should be revised to accurately reflect its intended use as the proposed manager's office, consistent with the updated project description. We also ask that staff reconfirm zoning compliance for the consolidated use.

We further request that a condition be added ensuring the project may *never exceed the allowable limit for low-cost visitor-serving accommodations*.

Finally, we want to highlight a meaningful community benefit:
By formalizing these nine units as a regulated motel use—rather than allowing them to function as quasi–short-term rentals—the project removes transient lodging activity from the residential context and consolidates it into a single, properly supervised operation. A motel with an on-site manager provides predictable oversight, consistent parking patterns,

CC: Planning Commission, PD,

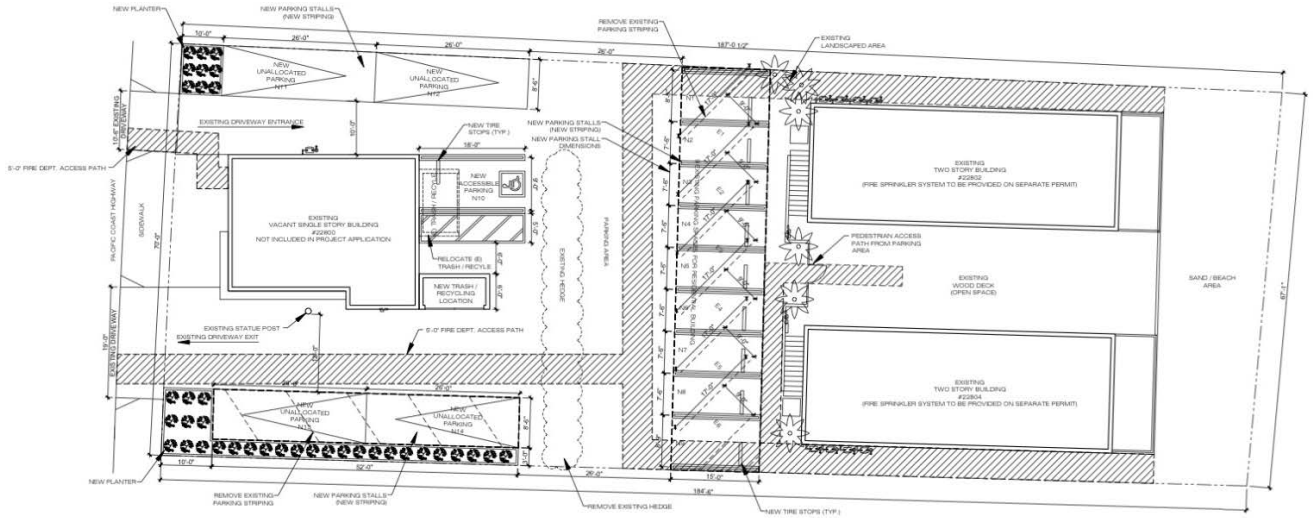
Recording Secretary, File

Date Received 12/1/25 Time 7:30 a.m.
Planning Commission meeting of 12/1/25
Agenda Item No. 5C
Total No. of Pages 34

enforceable quiet hours, and compliance with safety and operational standards. This transition reduces neighborhood impacts and contributes to greater long-term stability for surrounding residents.

Thank you very much,
Jo Drummond
on behalf of Malibu Township Council

25 of 32



HERBER DES
ARCHITECTURE + INT
22802-22804 P.C.H.
22802-22804 PACIFIC COAST HWY, MALIBU, CA 90265
APN # 4452-004-032
ARCHITECT
HERBER DESIGN
JASON HERBER C29379
835 TRAGUE DR.
SANTA PAULA, CA 93060
T: 310.429.0867
STRUCTURAL ENGINEER
DRAWING TITLE:
SITE PLAN
DRAWING NUMBER:
A 1.00
N

Commission Agenda Report

Planning Commission Meeting
12-01-25
Item 5.C.

To: Chair Riddick and Members of the Planning Commission

Prepared by: Adam Pisarkiewicz, AICP, Contract Planner

Reviewed by: Joseph Smith, AICP, Contract Principal Planner

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

Date prepared: November 20, 2025 Meeting date: December 1, 2025

Subject: Coastal Development Permit No. 23-040 and Conditional Use Permit No. 21-008 – An application for a change of use from an existing, non-conforming multi-family structure to a conforming, commercial visitor-serving motel use and the utilization of the existing, vacant commercial structure as an ancillary motel manager's office

Location: 22800 Pacific Coast Highway, within the appealable coastal zone
APN: 4452-004-032
Owner: Carbon Investments

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 25-62 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 23-040 and Conditional Use Permit (CUP) No. 21-008 for a change of use from an existing, non-conforming multi-family residential use to a conforming, commercial visitor-serving motel use and the utilization of the existing, vacant commercial structure as an ancillary motel manager's office on a property located in the Commercial Visitor Serving-One (CV-1) zoning district located at 22800 Pacific Coast Highway (PCH) (Carbon Investments).

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

Project Overview

The subject property is a developed beachfront parcel totaling approximately 0.3 acre in size, consisting of two multi-family buildings oriented along the coast and one vacant commercial building with an approximate 22-foot statue[1] fronting PCH. The project proposes the conversion of the existing two-story multi-family buildings to a motel[2] use, which is a conditionally permitted use in the CV-1 zone. Should the Planning Commission approve the CUP, the existing commercial building will be used as an ancillary motel manager's office and the statue kept in place (Attachment 2 – Project Plans).

No new development is proposed with the subject application. The requested scope is limited to the change of use only.

Background and Existing Approvals

According to the Los Angeles Tax Assessor's Office, the structures on the site were originally constructed in 1955.

On December 12, 1986, the Los Angeles County Department of Regional Planning issued the last approved site plan for the subject property. The site plan contained the existing residential buildings with nine approved units, the existing commercial building, and a total of 14 parking spaces, 12 of which were required for the commercial and residential uses. The subject property contains unpermitted alterations to the last approved site plan including landscaping and changes to the parking layout and circulation.

The commercial structure was previously occupied by a restaurant (La Salsa), which was a conforming use in the CV-1 zone, but has remained vacant since 2015. All nine of the existing residential units are permitted Short-Term Rentals (STRs), in conformance with MMC Chapter 17.55. None of the units are being used as typical multi-family residential housing.

On May 9, 2023, the Planning Division approved Administrative Plan Review (APR) No. 22-017 to address unpermitted landscape installation and reconfigured parking. The approved site plan allowed the site to revert to the configuration last approved in 1986. APR No. 22-017 resolved unpermitted site modifications that occurred over the years since 1986 and permitted the site to be restored to its previously approved parking configuration and the removal of the unpermitted landscaping, which will result in 13 parking spaces and one Americans with Disabilities Act (ADA) compliant space (Attachment 2). MMC Section 17.48.030 required one parking space for each keyed room

[1] The freestanding statue has existed since the early 1960s and was formerly associated with Foster Freeze prior to La Salsa.
[2] LIP §2.1 defines a motel as "a facility offering transient lodging accommodations to the public in a group of attached or detached buildings containing guest rooms, some or all of which have a separate entrance leading directly from the outside of the building to automobile parking space conveniently located on the lot or parcel of land, does not provide accessory uses such as restaurants or meeting rooms, and not otherwise open to the public."

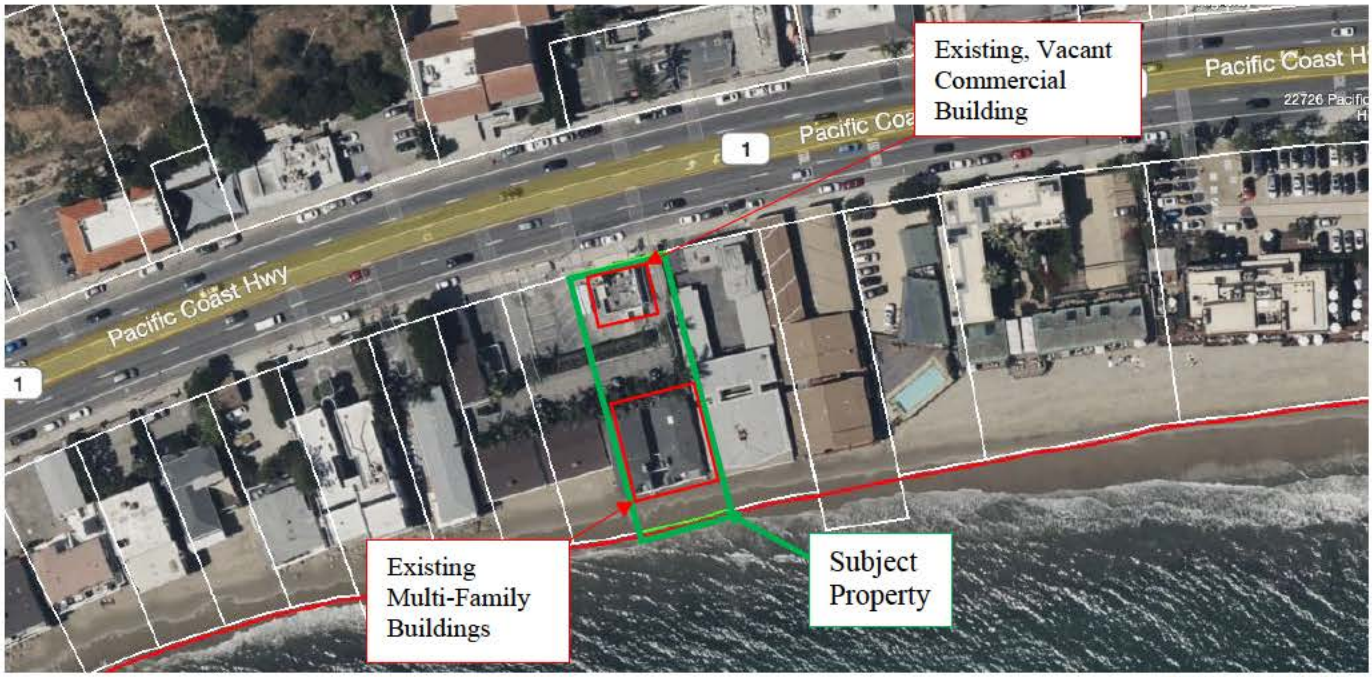
plus one additional space for use by management or maintenance personnel, resulting in a total of 10 required parking spaces.

In conjunction with APR No. 22-017, an outdoor lighting application was submitted to the City for new outdoor lighting fixtures, per the requirements of MMC Chapter 17.41 (Dark Sky Ordinance). On January 26, 2023, the Planning Division approved Outdoor Lighting Review (OLR) No. 22-011 to bring existing exterior lighting into compliance with the City's Dark Sky Ordinance.

Surrounding Land Uses and Project Setting

As shown in Figure 1, the subject property is located on the seaward side of PCH between Sweetwater Canyon Drive and Carbon Beach Terrace. The site was first developed in 1955. The site has operated as a mixed-use development since it was originally developed.

Figure 1: Aerial Map



Source: City GIS

Table 1 below provides a list of the immediately adjacent land uses. The property is zoned CV-1 and bordered by PCH to the north and the Pacific Ocean to the south. The property to the east is zoned Community Commercial (CC) and also contains a mix of multi-family and commercial uses. The property to the west is zoned Multi-Family Residential (MF) and contains multi-family residential developments. On the north side of PCH is a corridor of commercial development located in the CC zoning designation.

Table 1 – Surrounding Land Uses				
Direction	**Address**	**Lot Size**	**Zoning**	**Land Use**
North	22775 PCH	0.25 acre	CC	Commercial
South	N/A – Pacific Ocean	N/A	N/A	N/A
West	22806 PCH	0.21 acre	MF	Multi-Family Residential
East	22772 PCH	0.29 acre	CC	Commercial and Multi-Family Residential

Figure 2: Existing Zoning



Source: City GIS

Table 2 provides a summary of the lot dimensions and lot area of the subject property.

Table 2 – Total Property Data	
Lot Depth	186 feet
Lot Width	68.5 feet
Gross Lot Area	11,725 square feet
Net Lot Area	9,025 square feet

*Net Lot Area = Gross Lot Area minus the area of access easements and 1 to 1 slopes.

Project Description

The project proposes a change of use for the subject property which includes the existing non-conforming multi-family buildings, currently being used for both STRs less than 30 days and long-term rentals, to a motel use which is a conditionally permitted use in the CV-1 zoning district. The CUP request does not include any structural alterations, construction, additions, or demolition to the subject property. The two buildings contain a

total of nine residential units, each of which is proposed to be converted into a motel room. The motel's management, maintenance, and housekeeping services will be provided by the contracted third-party providers that are currently servicing the existing STR use of the residential units, rented for periods of 30 days or less. The existing, vacant commercial building is proposed to be utilized as the motel manager's office and the existing statue would remain in place.

Nonconformities

The subject property's surface parking lot and landscaping currently contain unpermitted modifications. Converting the existing parking configuration and circulation of the property back to its approved 1986 site plan configuration results in non-conformities regarding parking space dimensions and turning radius width per LCP Local Implementation Plan (LIP) Section 3.14 and MMC Chapter 17.48 (Off-Street Parking and Loading Requirements). However, it reverts the parking lot back to its last approved site plan. The unpermitted modifications resulted in fewer parking spaces and narrower aisle widths. APR No. 22-017, approved in May 2023, contains a reconfigured site plan which brings the site closer into compliance with current parking and landscaping regulations.

The existing structures and site improvements were legally created and therefore, can be continuously maintained as provided for in LIP Section 13.5 and MMC Chapter 17.60 (Nonconforming Structures and Uses).

Change of Use & Consistency with State Housing Law

The change of use from multi-family residential to commercial visitor-serving motel does not trigger any associated provisions of California Government Code 66300, et al., related to 'no net loss' in residential capacity. The proposed project is not a legislative change that reduces the capacity for housing. The subject property is not a Regional Housing Needs Assessment (RHNA) housing inventory site and the proposed project is not a housing development that would require replacement of demolished units. Units began to be utilized as STRs in 2015 with all nine units being STRs by 2022. The applicant has been issued STR permits via the City since the permitting program's inception in 2021. The change of use to motel continues the existing transitory lodging use and makes it a conforming use in the CV-1 zoning district with no changes to the structures.

LCP Analysis

The LCP consists of the Land Use Plan (LUP) and the LIP. The LUP contains programs and policies to implement the Coastal Act in Malibu. The LIP contains provisions to carry out the policies of the LUP to which every project requiring a CDP must adhere.

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality,

and 5) OWTS. These chapters do not required findings. The proposed project does not result in any changes to the analysis provided in the original report as it pertains to all these LIP chapters, except for Zoning. The proposed project's consistency with the Zoning provisions is discussed in the *LIP Conformance Analysis* section below.

The nine remaining LIP chapters contain required findings: 1) CDP; 2) Environmentally Sensitive Habitat Area (ESHA); 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. The discussion below has been limited to those LIP chapters and conformance issues potentially affected by the proposed project. CDP findings are made below.

LIP Conformance Analysis

The Planning Division and the Environmental Health Division have reviewed the proposed project for conformance with the LCP (Attachment 3). The proposed project is in conformance with all applicable LCP codes, standards, goals, and policies.

Zoning (LIP Chapter 3)

The proposed project is subject to the CV-1 zoning standards set forth under LIP Section 3.3. The proposed project meets those standards and has been determined to be consistent with all LCP codes, standards, goals, and policies with the inclusion of the discretionary request.

Grading (LIP Chapter 8)

LIP Section 8.3 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards per acre for a commercial parcel. The proposed project does not include grading; therefore, the provisions of LIP Section 8.3 do not apply.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures are followed to determine potential impacts on archaeological resources. The proposed project does not include geologic testing, excavation or construction; therefore, the provisions of LIP Chapter 11 do not apply.

New Luxury Overnight Accommodations (LIP Section 12.10)

LIP Section 12.10 states the City may approve new luxury overnight visitor accommodations if the evidence shows that the project provides a component of lower cost overnight visitor accommodations, such as a campground, RV park, hostel, or lower cost hotel or motel rooms. The LIP requires the applicant to provide lower cost overnight accommodations consisting of 15 percent of the number of luxury overnight

accommodations that are approved. Luxury overnight accommodations are defined as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu.

The applicant provided a Room Rate Analysis (Attachment 4) which analyzes the average nightly room cost of the six existing hotels/motels within the City of Malibu by sourcing the rates of each room on the same dates in January 2025 and July 2025 using both weekday and weekend rates. The analysis establishes the average room rate of the six hotels/motels to be $1,004 per night and an overall median cost of $616 per night. Based on the established median rate of 120% and per the definition of “luxury overnight accommodations”, a nightly rate must be a minimum of $740 to fall into such category. The applicant states that the proposed motel on the subject property will have an average nightly room rate of $415 which is well below the 120% median. Therefore, the proposed motel does not qualify as a luxury overnight accommodation and the requirements of LIP Section 12.10 do not apply.

Water Quality (LIP Chapter 17)

LIP Chapter 17 contains requirements for water quality protection and requirements of the State Water Resources Control Board (SWRCB). The subject property is located outside of the designated Area of Special Biological Significance (ASBS) between Latigo Point and the west City limits as established by the SWRCB as part of the California Ocean Plan. In addition, the proposed project does not include construction activities; therefore, the provisions of Chapter 17 do not apply.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses the siting, design, and performance requirements of onsite wastewater treatment systems (OWTS). The proposed project does not include a new OWTS nor does it include new or additional drainage fixtures; therefore, the provisions of LIP Chapter 18 do not apply.

The proposed project was reviewed by the Environmental Health Division and the proposed change of use does not require OWTS upgrades. The existing system is sufficient to accommodate the motel use as there is no increase in intensity of use. The subject property was issued an OWTS Operating Permit (OP 25-0040) by the Environmental Health Division on January, 27, 2025 and the permit expires on January 15, 2027.

LIP Findings

A. Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all CDPs. As discussed above, the proposed project, as conditioned, conforms to the LCP in that it meets the required commercial beachfront development standards.

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

The Planning Division and Environmental Health Division reviewed the proposed project for conformance with the LCP. The proposed project, as conditioned, conforms to the certified City of Malibu LCP in that it meets all applicable zoning standards in LIP Chapter 3 (Zoning) and other relevant sections of the LIP including LIP Section 12.10 (Public Access) and LIP Chapter 18 (OWTS).

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

The subject property is located between the first public road and the sea. The project does not propose any construction or alterations to the existing structures. The project is limited to change of use from multi-family residential/commercial to commercial visitor-serving motel. Therefore, there are no impacts to physical public access or recreation by the project.

LIP Section 12.10 states the City may approve new luxury overnight visitor accommodations if the evidence shows that the project provides a component of lower cost overnight visitor accommodations, such as a campground, Recreational Vehicle park, hostel, or lower cost hotel or motel rooms. The LIP requires the applicant to provide lower cost overnight accommodations consisting of 15 percent of the number of luxury overnight accommodations that are approved. Luxury overnight accommodations are defined as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu.

The applicant provided a Room Rate Analysis which analyzed the average nightly room cost of the six existing hotels/motels within the City of Malibu by sourcing the rates of each room on the same dates in January 2025 and July 2025 using both weekday and weekend rates. The analysis established the average room rate of the six hotels/motels to be $1,004 per night and an overall median cost of $616 per night. Based on the established median rate of 120% and per the definition of “luxury overnight accommodations”, a nightly rate must be a minimum of $740 to fall into such category. The applicant states that the proposed motel on the subject property will have an average nightly room rate of $415

which is well below the 120% median. Therefore, the proposed motel does not qualify as a luxury overnight accommodation and the requirements of LIP Section 12.10 do not apply. As such, the proposed project conforms to the public access and recreation policies of Chapter 3 for the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

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

This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts to coastal resources.

1. No Project – The 'no project' alternative would maintain the existing multi-family units, a use which is nonconforming in the CV-1 zone, and would continue the use of the units as both STRs and long-term rentals.

2. Proposed Project – The proposed project consists of a change of use from multi-family residential to commercial visitor-serving motel. The proposed motel use is a conditionally permitted use in the CV-1 zone subject to a CUP. The proposed project does not consist of any construction or alteration to the existing structures. The change of use does not present potentially significant impacts to coastal resources or environmentally damaging impacts due to no proposed changes to the existing structures or intensification of use.

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

The subject parcel is not located in an ESHA or ESHA buffer as depicted on the LCP ESHA and Marine Resources Map. Therefore, Environmental Review Board review was not required, and this finding does not apply.

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

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

C. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the subject property. Therefore, the findings of LIP Chapter 5 are not applicable.

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

The Scenic, Visual, and Hillside Resource Protection chapter governs those CDP applications concerning any lot that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject property abuts PCH and the existing structures are visible from PCH, an LCP-designated scenic highway, and the beach which is a public viewing area. However, the proposed project does not include any new construction and therefore, does not have the potential to create adverse impacts on scenic resources. Therefore, the findings in LIP Chapter 6 do not apply.

E. Transfer of Development Credit (LIP Chapter 7)

The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not application.

F. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity. The proposed project does not include any new construction and therefore, does not have the potential to create adverse impacts upon site stability or structural integrity. As a result, the findings in LIP Section 9.3 are not applicable.

G. Shoreline and Bluff Development (LIP Chapter 10)

The Shoreline and Bluff Development Chapter governs those CDP applications that include development on a parcel located along the shoreline as defined by the LCP. The required findings and analysis must be made for development located on a site along the shoreline or a coastal bluff where it is determined that the proposed project causes the potential to create adverse impacts upon said resources. The requested change of use is a beachfront property on the south side of PCH but the proposed project does not include any modification to the existing structures or new structures. No construction is proposed. As a result, the findings in LIP Section 10.3 are not applicable.

H. Public Access (LIP Chapter 12)

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

A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.

B. New development between the nearest public roadway and the sea.
C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
D. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

The project is new development between the nearest public roadway and the sea but does not result in blockage of any existing public access. Public access to the ocean exists nearby at an existing access path approximately 850 feet to the east of the subject property. The proposed project will not impede existing public access along the beach and therefore, the requirement for public access in LIP Section 12.4 does not apply and further findings are not required.

I. Land Division (LIP Chapter 15)

The project does not include a land division. Therefore, the findings of LIP Chapter 15 are not applicable.

MMC Findings

Conditional Use Permit Findings for New Motel Use (MMC Section 17.66.080)

The proposed CUP will allow for the existing, non-conforming multi-family residential use consisting of nine units to convert to a commercial visitor-serving motel with nine rooms and an ancillary motel manager's office, which is a conditionally permitted use in the CV-1 zoning district subject to a CUP. The Planning Commission may approve, deny, and/or modify a CUP in whole or in part, with or without conditions, provided that it makes all of the findings of fact required by MMC Section 17.66.080. All of the CUP findings are provided below.

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

Pursuant to MMC Section 17.26.030(C), a motel is a conditionally permitted use in the CV-1 zone. The requested CUP will enable the conversion of the existing, legal nonconforming residential units that are primarily being used as permitted STRs to a commercial visitor-serving motel. The motel would also use the existing commercial building for an ancillary motel manager's office. The proposed project has been reviewed for conformance with the MMC and LCP by the Planning Division and the City Environmental Health Administrator. As discussed herein, based on submitted reports, project plans, visual

analysis and site investigation, the proposed project, as conditioned, complies with all applicable provisions of the MMC and the LCP.

Finding 2. The proposed use would not impair the integrity and character of the zone in which it is to be located.

The proposed motel use is compatible with the uses in the vicinity of the subject property, which include retail, restaurants, the Malibu Pier, as well as other motels, hotels, and multi-family residential development. The existing residential units on the subject property have been utilized as permitted STRs since 2021, in accordance with the applicable requirements of MMC Chapter 17.55 (Short-Term Rental of Property). The CUP request would bring the use of the property into conformance with the commercial visitor-serving intent of the CV-1 zone. The CUP request does not include alterations to the existing structures. The proposed motel use will therefore conform with the intent of the CV-1 zone and surrounding environment because the primary use of the property would continue to provide commercial visitor-serving overnight accommodations.

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

The subject property is a beachfront property located along PCH and the surrounding development is comprised of restaurants, motels, retail, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development. Existing utilities which serve the subject property are located within the PCH right-of-way. The site is physically suitable for the proposed use as it contains the required amount of parking.

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

The property's surrounding neighborhood contains a variety of uses including hospitality and visitor-serving commercial uses, and multi-family residential uses. Further west of the property are the Malibu Pier and Surfrider Beach, which are prominent tourism locations in the city. The proposed motel use is compatible with the surrounding uses and will provide support for the existing visitor-serving uses in the surrounding area.

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

As discussed in Finding 4, the proposed use is compatible with the existing land uses within the CV-1 zone and surrounding commercial zones. Future land uses in the general area surrounding the subject property are expected to retain their current commercial and visitor-serving uses given the surrounding zoning districts. The intent of the CV-1 zone is to provide commercial and visitor-serving uses that serve residents, local visitors, and out-of-town visitors alike. Therefore, the proposed motel is compatible with the existing and future land uses within the CV-1 zone and the surrounding area.

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

The existing multi-family development contains adequate provisions for water, sanitation, and public utilities and services. The proposed motel use will have no greater impact on the water supply, sanitation, public utilities and/or services in comparison to the existing use and the proposed change in use would not constitute an intensification on the site and in no way be detrimental to public health and safety.

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

Access to the subject property is from PCH. The public, as well as emergency vehicles, would enter and exit the site via existing curb cuts for the entrance and exit along PCH. Therefore, there are adequate provisions for public access to serve the subject parcel.

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

The request for a conditionally permitted motel use on the subject property is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan. The General Plan defines the CV zone as providing visitor-serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Visitor-serving uses such as motels and hotels shall be consistent with compatible accessory uses, shall protect the surrounding properties, shall ensure safe traffic circulation and shall promote economically viable visitor-serving areas of the City.

The project is consistent with the following land use (LU) policies of the General Plan:

> LU Policy 3.2.1: The City shall permit the development of commercial recreational and visitor servicing facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking and, when feasible, are located where existing low cost recreational uses will be enhanced.
>
> LU Policy 4.1.2: The City shall encourage redesign and adaptive reuse of existing structures.
>
> LU Implementation Measure 67: Require a commercial planned development permit for any commercial development or change of use of existing development to assure compliance with current codes to enhance and upgrade the environment of the commercial areas.

LU Policy 6.1.1: The City shall use development standards and procedures that protect the property owners' reasonable use of their land consistent with the goals and policies of this General Plan.

The proposed visitor-serving motel use supports the General Plan's objective to permit the development of commercial visitor-serving facilities at suitable locations. The motel would contribute to the visitor-serving areas for use by tourists. The property will not be physically altered by the conditionally-permitted motel use. Therefore, the proposed motel use is in alignment with the General Plan's objective for visitor-serving facilities in suitable locations and to limit development impacts on the City's natural and environmental resources.

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

Motels are a conditionally permitted use in the CV-1 zoning district. The project has been reviewed by the Planning Division and the City Environmental Health Administrator. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the project, as conditioned, complies with all applicable requirements of State and local law.

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

The conditionally permitted motel use will be a compatible visitor-serving use in the immediate area for tourists and residents, particularly with the adjacent existing commercial uses, Malibu Pier and Surfrider Beach. The proposed use does not involve changes to the physical character of the property nor increase the intensity of use. Therefore, the motel use would not be detrimental to the public interest, health, safety, convenience or welfare.

Finding 11. If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

The proposed project does not involve any further development of the property. Therefore, the proposed project is not at risk from earth movement, flooding, liquefaction, or other potential hazards.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Community Development Director has analyzed the proposed project. The Community Development Director found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to Section 15301(a) – Existing Facilities. The Community Development Director

has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: To date, staff has not received correspondence regarding the subject application.

PUBLIC NOTICE: On November 6, 2025, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 5).

SUMMARY: The required findings can be made that the proposed project complies with the LCP and MMC. Further, the Planning Division's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 25-62. The proposed project has been reviewed and conditionally approved for conformance with the LCP by the Planning Division and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 25-62
2. Site Plan Approved by APR No. 22-017
3. Department Review Sheets
4. Room Rate Analysis
5. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 25-62

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 23-040 AND CONDITIONAL USE PERMIT NO. 21-008 FOR A CHANGE OF USE FROM EXISTING NON-CONFORMING MULTI-FAMILY RESIDENTIAL USE TO A CONFORMING, COMMERCIAL VISITOR-SERVING MOTEL USE AND THE UTILIZATION OF THE EXISTING, VACANT COMMERCIAL STRUCTURE AS AN ANCILLARY MOTEL MANAGER'S OFFICE ON A PROPERTY LOCATED IN THE COMMERCIAL VISITOR SERVING-ONE ZONING DISTRICT LOCATED AT 22800 PACIFIC COAST HIGHWAY (CARBON INVESTMENTS)

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

SECTION 1. Recitals.

A. On September 17, 2021, an application for Conditional Use Permit (CUP) No. 21-008 was submitted to the Planning Division by the applicant, Pacific Coast Management, LLC, on behalf of the property owners, Carbon Investments, for the change of use. The application was routed to the City Environmental Health Administrator for review. Coastal Development Permit (CDP) No. 23-040 was later added to the project because it includes a change in land use.

B. On October 27, 2021, Planning Division staff conducted a site visit to document the existing conditions.

C. On February 1, 2023, the CUP application was deemed complete for processing.

D. On June 22, 2023, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

E. On July 17, 2023, the Planning Commission continued the public hearing on the subject application to the August 7, 2023 meeting of the Planning Commission.

F. On August 7, 2023, the Planning Commission continued the item to a date uncertain.

G. On July 10, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

H. On August 4, 2025, the Planning Commission continued the item to a date uncertain.

I. On November 6, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

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J. On December 1, 2025, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA according to CEQA Guidelines Section 15301(a) – Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on the evidence contained within the record, including the agenda report for the project and the hearing on August 4, 2025, and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP), including Sections 13.7(B) and 13.9, and the Malibu Municipal Code (MMC), the Planning Commission makes the findings of fact below, and approves CDP No. 23-040 and CUP No. 21-008 for the change of use from an existing, nonconforming multi-family residential use to a conforming, commercial visitor-serving motel use and the utilization of the existing, vacant commercial structure as an ancillary motel manager's office on a property located in the Commercial Visitor Serving-1 (CV-1) zoning district located at 22800 Pacific Coast Highway (PCH).

The project is consistent with the LCP's zoning. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

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A. Coastal Development Permit Findings (LIP Chapter 13)

CDP No. 23-040 would authorize a change in use from multi-family residential with nine units to a commercial visitor-serving motel with nine guest rooms and an ancillary motel manager's office. No other conditionally allowed uses in the CV-1 zone are authorized by this CDP.

1. The proposed project has been reviewed for conformance with the LCP by the Planning Division and the Environmental Health Department. The proposed project, as conditioned, conforms to the certified City of Malibu LCP in that it meets all the required zoning standards.

2. The subject parcel is located between the first public road and the sea. The project does not propose any construction or alterations to the existing structures. Therefore, there are no impacts to public access or recreation by the project. LIP Section 12.10 states the City may approve new luxury overnight visitor accommodations if the evidence shows that the project provides a component of lower cost overnight visitor accommodations, such as a campground, Recreational Vehicle park, hostel, or lower cost hotel or motel rooms. The LIP requires the

applicant to provide lower cost overnight accommodations consisting of 15 percent of the number of luxury overnight accommodations that are approved. Luxury overnight accommodations are defined as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu. The applicant provided a Room Rate Analysis which analyzed the average nightly room cost of the six existing hotels/motels within the City of Malibu by sourcing the rates of each room on the same dates in January 2025 and July 2025 using both weekday and weekend rates. The analysis established the average room rate of the six hotels/motels to be $1,004 per night and an overall median cost of $616 per night. Based on the established median rate of 120% and per the definition of "luxury overnight accommodations", a nightly rate must be a minimum of $740 to fall into such category. The applicant states that the proposed motel on the subject property will have an average nightly room rate of $415 which is well below the 120% median. Therefore, the proposed motel does not qualify as a luxury overnight accommodation and the requirements of LIP Section 12.10 do not apply. As such, the proposed project conforms to the public access and recreation policies of Chapter 3 for the Coastal Act of 1976.

3. The proposed project consists of a change of use from multi-family residential to a motel. The proposed motel use is a conditionally permitted use in the CV-1 zone. The proposed project does not consist of any construction or alteration to the existing structures. The change of use does not present potentially significant impacts to coastal resources or environmentally damaging impacts due to no proposed changes to the existing structures.

B. Conditional Use Permit Findings (MMC Chapter 17.66)

CUP No. 21-008 would permit the conversion of the existing multi-family residential use with nine units to a commercial visitor-serving motel with nine guest rooms and an ancillary motel manager's office. No other conditionally allowed uses in the CV-1 zone are authorized by this CUP.

1. Per MMC Section 17.26.030.C, a motel is a conditionally permitted use in the CV-1 zone. The requested CUP will enable the conversion of the existing nonconforming residential units that are primarily being used as nightly Short-Term Rentals (STRs), to a conforming visitor-serving motel. The proposed project has been reviewed for conformance with the MMC and LCP by the Planning Division and City Environmental Health Administrator. The proposed project complies with all applicable provisions of the MMC and LCP including in LIP Chapter 3 (Zoning) and other relevant sections of the LIP including LIP Section 12.10 (Public Access) and LIP Chapter 18 (OWTS).

2. The proposed motel use is compatible with the uses in the vicinity of the subject property, including retail, restaurants, the Malibu Pier, as well as other motels, hotels, and multi-family residential development. The existing residential units on the subject property have been utilized as permitted STRs since 2021, in accordance with the applicable requirements of MMC Chapter 17.55. The CUP request will bring the use of the property into conformance with the visitor-serving intent of the CV-1 zone. The CUP request does not include alterations to the structure. The motel use will therefore conform with the intent of the CV-1 zone and surrounding environment because the primary use of the property would continue to be affordable visitor-serving overnight accommodations.

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3. The subject property is a beachfront property located along PCH with nearby restaurants, retail, motels, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development. Existing utilities that serve the subject property are located within the PCH right-of-way. The site is physically suitable for the proposed use as it contains the required amount of parking.

4. The property's surrounding neighborhood contains a variety of uses including hospitality and visitor-serving commercial uses, and multi-family residential uses. Further west of the property are Malibu Pier and Surfrider Beach, which are prominent tourism locations in the city. The proposed motel use is compatible with the surrounding uses and will provide support for the existing visitor-serving uses in the surrounding area.

5. As discussed in Finding 4, the proposed use is compatible with the existing land uses within the CV-1 zone and surrounding commercial zones. Future land uses in the general area surrounding the subject property are expected to retain their current commercial and visitor-serving uses given the surrounding zoning districts. The intent of the CV-1 zone is to provide commercial and visitor-serving uses that serve residents, local visitors, and out-of-town visitors alike. Therefore, the proposed motel use is compatible with the existing and future land uses within the CV-1 zone and the surrounding area.

6. The existing multi-family structures contain adequate provisions for water, sanitation, and public utilities and services. The proposed motel use will have no greater impact on the water supply, sanitation, public utilities and/or services in comparison to the existing use and the proposed change in use would not constitute an intensification on the site and in no way be detrimental to public health and safety.

7. Access to the subject property is from PCH. The public, as well as emergency vehicles would enter and exit via existing curb cuts for the entrance and exit along PCH. Therefore, there are adequate provisions for public access to serve the subject parcel.

8. The request for a conditionally-permitted motel use on the subject property is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan. The General Plan defines the CV-1 zone as providing visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting. Visitor serving uses such as motels and hotels shall be consistent with compatible accessory uses, shall protect the surrounding properties, shall ensure safe traffic circulation and shall promote economically viable visitor serving areas of the City.

The project is consistent with the following land use (LU) policies of the General Plan:

> **LU Policy 3.2.1:** The City shall permit the development of commercial recreational and visitor servicing facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking and, when feasible, are located where existing low cost recreational uses will be enhanced.
>
> **LU Policy 4.1.2:** The City shall encourage redesign and adaptive reuse of existing structures.

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LU Implementation Measure 67: Require a commercial planned development permit for any commercial development or change of use of existing development to assure compliance with current codes to enhanced and upgrade the environment of the commercial areas.

LU Policy 6.1.1: The City shall use development standards and procedures that protect the property owners' reasonable use of their land consistent with the goals and policies of this General Plan.

The proposed visitor-serving motel use supports the General Plan's objective to permit the development of commercial visitor-serving facilities at suitable locations. The motel would contribute to the visitor-serving areas for use by tourists. The property will not be physically altered by the conditionally-permitted motel use. Therefore, the proposed motel use is in alignment with the General Plan's objective for visitor-serving facilities in suitable locations and to limit development impacts on the City's natural and environmental resources.

9. Motels are a conditionally permitted use in the CV-1 zoning district. The project has been reviewed by the Planning Division and the City Environmental Health Administrator. As discussed herein, based on the submitted reports, project plans, visual analysis and site investigation, the project, as conditioned, complies with all applicable requirements of State and local law.

10. The conditionally-permitted motel use will be a compatible visitor-serving use in the immediate area for tourists and residents, particularly with the adjacent existing commercial uses, Malibu Pier and Surfrider Beach. The proposed use does not involve changes to the physical character of the property nor increase the intensity of use. Therefore, the motel use would not be detrimental to the public interest, health, safety, convenience or welfare.

11. The proposed project does not involve any further development of the property. Therefore, the proposed project is not at risk from earth movement, flooding, liquefaction, or other potential hazards.

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SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 23-040 and CUP No. 21-008, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

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

City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
   a. Change of use from an existing multi-family residential use with nine units to a commercial visitor-serving motel (as defined in LIP §2.1) with nine guest rooms and an ancillary motel manager's office.
   b. No development is approved.
   c. No onsite food or alcohol service is approved.

3. Except as specifically changed by conditions of approval, the authorized use must be operated in substantial conformance with the approved scope of work.

4. The operation of the authorized use shall comply with all conditions of approval stipulated in this Resolution.

5. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes, and returns the Acceptance of Conditions Affidavit for Recordation accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Division within 30 days of this decision or prior to issuance of any subsequent permits from the City.

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

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

8. All development shall conform to the requirements of the City of Malibu Environmental Sustainability Division and City Environmental Health Administrator as applicable. Notwithstanding this review, all required permits shall be secured.

9. Minor changes to the conditions of approval may be approved by the Community Development Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code.

10. The property owner must submit payment for all outstanding fees payable to the City prior to commencement of the conditionally permitted use.

Site-Specific Conditions

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

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

13. No other new signage is permitted under this application; a sign permit shall be submitted and approved by the Planning Division prior to installation of any new sign or modification of existing signage.

14. Unless exterior lighting is approved by the City, no exterior lighting is permitted under this permit.

15. Should the commercial structure fronting PCH not operate as an ancillary motel manager's office, an amendment to this CUP shall be required for any proposed change of use.

16. The Community Development Department shall inspect the Property (as needed) to verify compliance with the conditions of approval.

17. The CUP may be reviewed by the Community Development Director (or designee) and/or Planning Commission on an as-needed basis at the discretion of the Community Development Director (or designee) or Planning Commission. Should it be determined that a review is required, the Property Owners shall pay the Planning Division site inspection fee in effect at the time of request for a site inspection. A planner will conduct a site visit to verify compliance with the provisions set forth in this resolution. If necessary, the Community Development Director (or designee) will determine whether the CUP may be brought back to the Planning Commission for additional conditions to mitigate and/or prevent nuisances that were identified during the site inspection or made aware of by members of the public. Possible mitigation measures can include:
    a. Modifying the hours of operation;
    b. Incorporate noise mitigating measures / devices;
    c. Traffic safety measures;
    d. Land use intensification or reconfiguration of any shared parking (if applicable) that would result in a parking demand greater than approved under this CUP; or
    e. Other measures deemed necessary by the Planning Commission.

18. The Community Development Department shall inspect the Property (as needed) to verify compliance with the conditions of approval.

Fixed Conditions

19. The conditions under which this CUP was approved may be modified by the City without the consent of the property owner, tenant or operator if the Planning Commission finds that the use is creating a nuisance.

20. A CUP that is valid and in effect, and was granted pursuant to the provisions of the MMC, shall run with the land and continue to be valid upon change of ownership of the land or lawfully existing structure.

21. Violation of any of the conditions of approval shall be cause for revocation of the CUP and termination of all rights contained therein.

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22. This CUP shall become subject to revocation should the use for which the conditional use permit was granted cease for six successive calendar months after the start of operations, except in the case of natural disaster.

23. If it has cause to believe that grounds for modification or revocation may exist, the Planning Commission shall hold a public hearing upon the question of modification or revocation of this conditional use permit pursuant to MMC Section 17.66.100(C). The CUP may be revoked if the Planning Commission finds that one or more of the following conditions exists:
    a. The CUP was obtained in a fraudulent manner.
    b. The use for which the CUP was granted has ceased or was suspended for at least six successive calendar months, absent a natural disaster.
    c. One or more of the conditions found within this resolution have not been substantially met.

SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 1st day of December 2025.

ELIZABETH RIDDICK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

LOCAL APPEAL – Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 246.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 25-62 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 1st day of December 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

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NEW LANDSCAPING KEY

DWARF NON-FRUITING OLIVE TREE
(36 TOTAL)

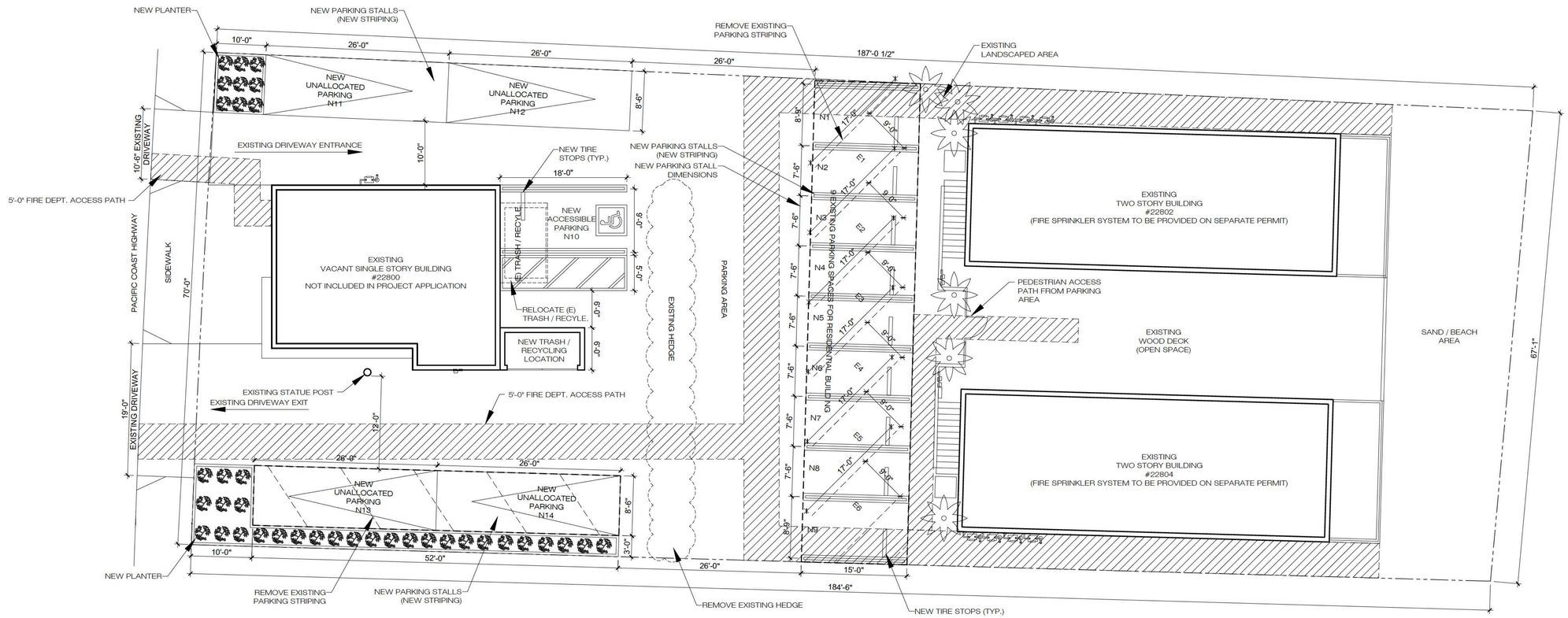
PARKING DIAGRAM KEY

EXISTING PARKING
E1,E2,E3,E4,E5,E6 STRIPING

NEW PARKING
N1, N2, N3, N4, N5, N6, N7, N8, N9
N10, N11, N12, N13, N14 STRIPING

AREA CALCULATIONS

LAND AREA (GROSS):	11,725 SQ. FT.
LAND AREA (NET):	9,025 SQ. FT.
SITE COVERAGE	
UNALLOCATED BUILDING:	598 SQ. FT.
RESIDENTIAL BUILDING:	2,100 SQ. FT.
COVERAGE:	23%
LANDSCAPED AREAS	
PLANTERS:	356 SQ. FT.
PAVED PEDESTRIAN AREAS:	320 SQ. FT.
TOTAL:	676 SQ. FT.
PARKING SUMMARY	
RESIDENTIAL:	9 SPACES
ACCESSIBLE SPACE:	1 SPACE
UNALLOCATED:	4 SPACES
TOTAL PARKING PROVIDED:	14 SPACES



N

SITE PLAN

SCALE 1/8" = 1'-0"

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DATE	ISSUE/REVISION
09-27-2022	PLANNING REV EW

HERBER DESIGN
ARCHITECTURE + INTERIORS
830 TEAGUE DR. SANTA PAULA, CA 93060 T: 310.428.0867

22802-22804 P.C.H.
22802-22804 PACIFIC COAST HWY. MALIBU, CA 90265
APN # 4452-004-032

ARCHITECT
(AKITEKUTE DESIGN INC. D.B.A.
HERBER DESIGN
JASON HERBER C35679
830 TEAGUE DR.
SANTA PAULA, CA 93060
T: 310.428 0867

STRUCTURAL ENG NEER
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DRAWING TITLE:
SITE PLAN

DRAWING NUMBER:
A-1.00

ATTACHMENT 2

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator

FROM: City of Malibu Planning Department **DATE:** 9/15/2021

PROJECT NUMBER:	CUP 21-008
JOB ADDRESS:	22800 PACIFIC COAST HWY
APPLICANT / CONTACT:	Val Zingaro, Pacific Coast Management, LLC
APPLICANT ADDRESS:	PO BOX 25070 Ventura, CA 93002
APPLICANT PHONE #:	(718)483-1995
APPLICANT FAX #:	
APPLICANT EMAIL:	Val@pcmllc.com
PROJECT DESCRIPTION:	Convert apartments to Motel

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

☒ **Conformance Review Complete** for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

_____ **Conformance Review Incomplete** for the City of Malibu LCP/LIP and MMC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☐ **NOT REQUIRED**

☐ **REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Matthew Sawyer — October 7, 2021 (rev. July 24, 2025)

Signature **Date**

The applicant must submit to the City of Malibu Environmental Health Specialist to determine whether or not an onsite wastewater treatment system (OWTS) Plot Plan approval is required.

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.

City of Malibu

Environmental Health • Environmental Sustainability Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Val Zingaro, Pacific Coast Management Val@pcmllc.com		
Project Address:	**22800 Pacific Coast Highway (Apartments)** Malibu, California 90265		
Planning Case No.:	CUP 21-008		
Project Description:	Convert apartments to Motel		
Date of Review:	October 7, 2021 (rev. July 24, 2025)		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489 ext. 307	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	LA Drafter: Plans dated 8-26-2013 (received 9-27-2021)
Fixture Worksheet:	
Operating Permit:	Active; expires 1-15-2023
Miscellaneous:	LA County: OWTS approval dated 5-21-1987
Previous Approval:	
Previous Reviews:	

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	☐	**CONFORMANCE REVIEW INCOMPLETE** for the City of Malibu LCP/LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	☒	**NOT REQUIRED**
	☐	**REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Environmental Health **conformance review** has been completed for the development proposal described in the project description provided by the Planning Department and the project plans and reports submitted to this office. Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the project. In order to obtain Environmental Health final approval of the project construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Recycled Paper

Conditions of Planning Conformance Review for Building Plan Check Approval:

1) **Building Plans:** All final project plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

   The final floor plans must show no more than 9 bedrooms and 94 drainage fixture units across the 9 units.

2) **Remodel and OWTS Upgrade:** Per Section 15.40.050 of the Malibu Municipal Code, any renovation (i.e., interior remodel) of the units will require upgrade to an advanced onsite wastewater treatment system. The applicant shall confirm in writing that no remodel is included in the current scope of work prior to Environmental Health Building Plan Check approval. Please submit existing and proposed floor plans, as appropriate.

3) **Environmental Health Final Review Fee:** A fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health Building Plan Check review.

-o0o-

If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file
Planning Department

Recycled Paper

22800 PCH - Room Rate Analysis

On July 17, 2023, the California Coastal Commission ("CCC") and the Mountain Recreation & Conservation Authority ("MRCA") each submitted letters with their comments on our project, 22800 Pacific Coast Highway. Both letters expressed interest and concern regarding the nightly rates at our proposed project and luxury overnight accommodations.

The CCC and MRCA requested proposed pricing of the rooms, an analysis of the median cost of an overnight room in the City of Malibu, and findings on whether the cost meets the definition of luxury overnight accommodations under the Malibu LCP.

Pricing / Room Rates 22800 PCH

The two multi-family buildings consist of nine units that are currently operated as permitted short term rentals. All the units are listed on and available for booking via the Airbnb and VRBO online travel agent platforms, we have used the actual rates for this study.

The 2025 Average Nightly Room Rate is: $415 per night.

There are currently six motel and or hotels in the City of Malibu, M Malibu, The Surfrider, Malibu Beach Inn, Malibu Country Inn, Hotel June Malibu, and the Nobu Ryokan Hotel.

The table below provides the average nightly room cost at each location. The table also identifies whether the motel or hotel is or is not an ocean front location as this will be important to reference and consider with respect to affordable visitor serving ocean front accommodations.

Average Nightly Cost Table

Hotel / Motel Name	Ocean Front	Average Room Rate
Nobu	Yes	$2,847
Malibu Beach Inn	Yes	$1,276
Surfrider	No	$752
Hotel June	No	$480
Malibu Country Inn	No	$380
M Motel	No	$289
Total Average Room Rate		**$1,004**
22800 PCH	Yes	$415
Median Room Rate		**$616**

Based on published 2025 rates;

The **median cost** of an overnight room in the City of Malibu is: **$616**

The **average cost** of an overnight room in the City of Malibu is: **$1,004**

Analysis of 2025 Median Motel and Hotel Room Nightly Rate

The median nightly rate was completed by sourcing the rates of each room within the City of Malibu on the same dates in January 2025 and July 2025, high and low season, using both weekday and weekend night rates at each hotel and motel to establish the location's average nightly rate and then identifying the median rate of all rooms.
All Malibu hotel and motel rates fluctuate throughout the year based on weather, demand, and other factors. When compared to the rates of all overnight accommodations within the City at the same time throughout the year, the project 's average room rates are less than 120% of the median rate.

Luxury Accommodation	**120% Median Rate $616/nt =**	**$740**

Findings

Finding 1. Luxury Overnight Accommodation

Per section 12.10 of the Malibu LIP, Luxury overnight accommodation is defined as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu.

The proposed project does not meet the definition of Luxury overnight accommodation. The average nightly cost for a room is in fact substantially less than the median cost of an overnight room as can be seen by the analysis of the average nightly cost table for all other overnight rooms available in the City of Malibu.

Finding 2. Moderate / Affordable and Lower-Cost Overnight Coastal Accommodations

Our analysis shows that the project will provide the only moderate-cost ocean front rooms and the only non-luxury ocean front rooms in the City of Malibu.

Room Availability in the City of Malibu	
Total Rooms	130
Coastal Rooms	63
Non-Coastal Rooms	67
Luxury Rooms	83
Non-Luxury Rooms	47
Non-Luxury Ocean Front Rooms	**0**

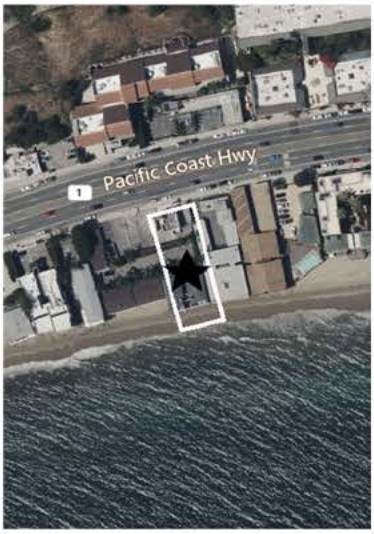
Two of the rooms (more than 20% of the project) provide **lower-cost overnight accommodations** at an average of only **$208 per night**.

This Ocean Front project does not meet the definition of Luxury Accommodations. It provides Lower-Cost Overnight accommodations, visitor and recreational facilities and opportunities to the public which should be encouraged.

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

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, December 1, 2025, at 6:30 p.m.** in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA for the project identified below. Public comment can be submitted ahead of the public hearing to planningcommission@malibucity.org for inclusion in the public record. To participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation.

COASTAL DEVELOPMENT PERMIT NO. 23-040 AND CONDITIONAL USE PERMIT NO. 21-008 - An application for a change of use from an existing, multi-family structure to a conforming, visitor-serving motel use and utilization of the existing, vacant commercial structure as an ancillary motel manager's office

LOCATION / APN / ZONING:	**22800 Pacific Coast Hwy** / 4452-004-032 / Commercial Visitor-Serving-One (CV-1)
APPLICANT / OWNER:	Pacific Coast Management, LLC / Carbon Investments, LP
APPEALABLE TO:	City Council and California Coastal Commission
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15301(a)
APPLICATION FILED:	September 17, 2021
CASE PLANNER:	Adam Pisarkiewicz, Contract Planner, pisarkiewicz@civicsolutions.com (949) 489-1442

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

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

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission's approval directly to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. More information may be found online at www.coastal.ca.gov or by calling 805-585-1800.

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

YOLANDA BUNDY, Community Development Director

Date: November 6, 2025

ATTACHMENT 5

Received
12/1/25
Planning Div.

From: Mari Stanley
To: Planning Commission
Subject: Item 5C Planning Commission mtg 12/1/25 CORRECTION FOR RECORD Permit 23-040 22800 PCH
Date: Monday, December 1, 2025 1:37:31 PM

Hello,
I initially submitted the following under wrong Subject matter, this is the proper format in Subject line and body of message I want on record.
Thank you - Mari Stanley 1:34pm dated 12/1/2025

Item 5C -
I solidly object to the conversion of apartments at 228800 PCH to a motel or worse...Short Term Rentals! Malibu needs housing for Malibu residents and does NOT need additional congestion in the most under parked commercial stretch of Pacific Coast Highway. Congestion in that area harms existing business, stymies interest in potential new business opportunities and seriously undercuts the ability of residents and visitors to access homes and businesses. How is this viewed as any form of advantage to our community - it solely advances and enhances the requesting ownership of one property at the risk of damages to the surrounding area businesses and long standing true residences/family homes.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/1/25 Time 1:37 p.m.
Planning Commission meeting of 12/1/25
Agenda Item No. 5C
Total No. of Pages 1

NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL

The Malibu City Council will hold a public hearing on **WEDNESDAY, July 22, 2026, at 2:00 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA, on the project identified below.

APPEAL NO. 25-009 - An appeal of Planning Commission Resolution No. 25-62 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 23-040 and Conditional Use Permit No. 21-008 for a change of use from existing non-conforming multi-family residential use to a conforming, Commercial Visitor-Serving motel use and the utilization of the existing, vacant commercial structure as an ancillary motel manager's office

Location:	22800 Pacific Coast Highway
APN:	4452-004-032
Zoning:	Commercial Visitor-Serving-1
Environmental Review:	Categorical Exemption CEQA Guidelines Section 15301(a)
Applicant:	Pacific Coast Management, LLC
Owner:	Carbon Investments
Appellant:	Bill Sampson, Malibu Township Council President
Application Filed:	September 17, 2021
Appeal Filed:	December 11, 2025
Case Planner:	Adam Pisarkiewicz, Contract Planner (949) 489-1442 apisarkiewicz@malibucity.org

For the project identified above with a categorical exemption for environmental review, pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Director has analyzed the proposed project and found that it is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA. The Community Development Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

PROCEDURE: A written staff report will be available 30 days prior to the hearing for the project. Any written comments or audiovisual materials from the applicants, appellants, and/or their representatives, including any that they intend to present at the hearing, must be submitted ten (10) business days in advance, by 5:00 p.m. on July 8, 2026. Any written comments or audiovisual materials from members of the public, including any that they intend to present at the hearing, must be submitted three (3) business days in advance, by 4:00 p.m. on July 16, 2026. No additional materials from any party or the public will be accepted after these deadlines. All materials should be emailed to citycouncil@malibucity.org

To view and participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation. All persons wishing to address the Council regarding this matter will be afforded an opportunity in accordance with the Council's procedures.

Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours.

Exhibit F

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the approval of the Coastal Development Permit only to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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

If there are any questions regarding this notice, please contact the assigned case planner.

Yolanda Bundy, Community Development Director

Publish Date: June 18, 2026

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET SUITE 200
VENTURA, CA 93001-2801
PH (805) 585-1800 FAX (805) 641-1732
WWW.COASTAL.CA.GOV

July 17, 2023

Adrian Fernandez, Assistant Planning Director
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265-4861

Subject: 22800 Pacific Coast Highway - Coastal Development Permit No. 23-040 and Conditional Use Permit No. 21-008 and 22959 Pacific Coast Highway (Malibu Inn Motel)

Dear Mr. Fernandez:

Commission staff has reviewed the staff report for the subject permit application that is scheduled to be considered by the City of Malibu Planning Commission on July 17, 2023, and we have several comments. The subject permit application includes the change of use of 2 existing residential buildings containing a total of 9 multi-family units to be converted into commercial motel rooms. The CUP request does not include any structural alterations, construction, additions, or demolition to the subject property.

We understand that the conversion of the residential units into motel rooms is recognized as new development as stated in the Staff Report prepared on July 6, 2023, under the findings for Public Access. We recommend that the Staff Report should incorporate a full analysis regarding Public Access as required by the LCP under LIP Chapter 12. The Staff Report contains a brief section covering the requirement to provide public access through the use of vertical and lateral access to the ocean, trails, and recreational areas where new development is proposed between the nearest public roadway and the sea.

We also recommend that the Staff Report should include an analysis on the cost for overnight accommodations at the motel as no information or findings were provided. The Staff Report should indicate what the Applicant proposes to price the motel rooms at and should include findings that involve whether the cost to stay overnight meets the definition of luxury overnight accommodations as required under the Malibu LCP. Applicants are required to provide lower cost overnight accommodations consisting of 15 percent of the number of luxury overnight accommodations that are approved. The LCP defines luxury overnight accommodations as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu. The Staff Report fails to include any analysis as to whether the proposed project meets the definition of luxury overnight accommodations, whether a component of lower cost accommodations is provided on-site or if other mitigation measures such as the payment of the in-lieu fee are required and conditioned appropriately.

We also would like to reiterate our comments and recommendations regarding the Malibu Inn Motel analysis on luxury overnight accommodations and providing lower cost accommodations on site rather than providing payment through the in-lieu fee. Please see the attached document that contains the April 13, 2023 letter regarding the Malibu Inn Motel addressed to the Planning Commission. Thank you for your consideration of our comments. Please feel free to contact me if you have questions.

Sincerely,

Jonathan Hasbun
Coastal Program Analyst

cc: Richard Mollica, Planning Director, City of Malibu