

RESOLUTION NO. 21-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING GENERAL PLAN AMENDMENT NO. 21-001 AND GENERAL PLAN MAP AMENDMENT NO. 17-002 TO CHANGE THE LAND USE DESIGNATION OF THE PROPERTIES FROM COMMUNITY COMMERCIAL (CC) TO COMMERCIAL VISITOR SERVING (CV) LOCATED IN THE COMMUNITY COMMERCIAL ZONING DISTRICT AT 22741 AND 22729 PACIFIC COAST HIGHWAY (GREY GRANITE, LLC; LAS TUNAS BEACH, LLC; AND SEA VIEW TERRACE, LLC)

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

SECTION 1. Recitals.

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

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

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

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

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

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

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

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

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

J. On February 4, 2021, a Notice of Intent to Adopt a Mitigated Negative Declaration was published in a newspaper of general circulation within the City of Malibu. The 30-day public review period ran from February 4, 2021 to March 4, 2021. On February 10, 2021, the Governor's Office of Planning and Research distributed the Mitigated Negative Declaration to responsible agencies for a 30-day public review period, from February 10, 2021 to March 11, 2021 (State

Clearinghouse No. 2021020208).

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

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

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

N. On May 13, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

O. On June 30, 2021, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. The Planning Commission adopted Planning Commission Resolution No. 21-47, recommending the City Council approve the proposed project.

P. On July 14, 2021, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

Q. On August 9, 2021, the City Council adjourned the meeting and continue the item to August 19, 2021.

R. On August 19, 2021, 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

In accordance with Public Resources Code Section 21080.9, the California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP. Because the amendment is entirely dependent on, related to, and duplicative of the exempt activity, it is subject to the same CEQA exemption. Without intending to waive the CEQA exemption referenced above, the City prepared a mitigated negative declaration for the Sea View Hotel project which analyzed the proposed Zoning Code and General Plan amendments with the proposed Sea View Hotel project.

SECTION 3. General Plan Map Amendment No. 17-002 and General Plan Amendment 21-001 Findings

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

Based on the evidence in the whole record, the City Council hereby finds that the proposed GPMA meets the objectives, policies, general land uses and program specified in the General Plan as follows and hereby amends the land use map and General Plan as set forth in Exhibits A and B as follows:

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

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

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

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

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

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

SECTION 4. Effectiveness

The GPMA and GPA approved in this resolution shall become effective only upon certification by the California Coastal Commission of the corollary amendments to the LCP.

SECTION 5. City Council Action.

Based on the foregoing findings and evidence contained within the record, the City Council approves GPMA No. 17-002 and GPA No. 21-001.

SECTION 6. 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 13th day of September 2021.



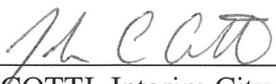
PAUL GRISANTI, Mayor

ATTEST:



KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:



JOHN COTTI, Interim City Attorney

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

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 21-46 was passed and adopted by the City Council of the City of Malibu at the Regular meeting thereof held on the 13th day of September 2021 by the following vote:

AYES:	4	Councilmembers:	Farrer, Pierson, Uhring, Grisanti
NOES:	1	Councilmember:	Silverstien
ABSTAIN:	0		
ABSENT:	0		



 KELSEY PETTIJOHN, City Clerk
 (seal)

EXHIBIT A



Proposed General Plan Land Use for Sea View Hotel Commercial Visitor Serving (CV)

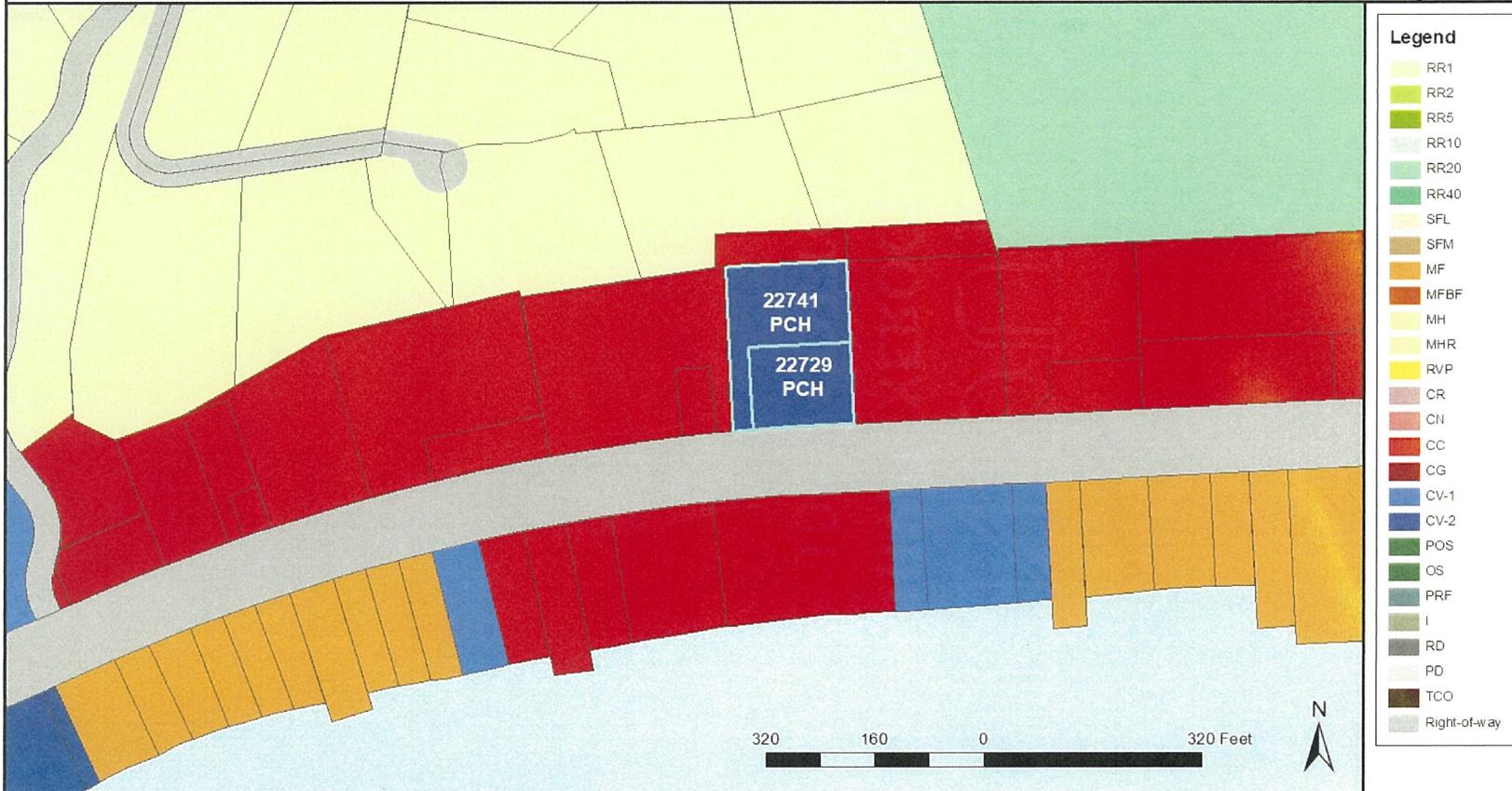


EXHIBIT B

GENERAL PLAN AMENDMENT

Section 1.5.4 is hereby amended as follows:

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