

CALIFORNIA COASTAL COMMISSION

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February 10, 2023

Richard Mollica, Planning Director
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

RE: City of Malibu Local Coastal Program Amendment No. LCP-4-MAL-21-0073-2 (Sea View Hotel Project)

Dear Mr. Mollica:

On February 8, 2023, the Coastal Commission approved LCP Amendment LCP-4-MAL-21-0073-2, with seven suggested modifications. The Commission's resolution of certification is contained in the staff report dated January 26, 2023, and addendum dated February 7, 2023. The suggested modifications, as approved by the Commission, are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications shall expire six months from the date of Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development require pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting as required by the Commission's

regulations in order to allow for the amended LCP to be certified in that form (see Section 13544 of the Commission's Administrative Regulations).

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

Please feel free to contact me should you have any questions regarding this matter. The Commission and staff greatly appreciate the City's cooperation and assistance in this matter.

Authorize on behalf of the California Coastal Commission by:

Kate Huckelbridge
Executive Director

DocuSigned by:

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By: Denise Gonzalez
Coastal Program Analyst

FINAL APPROVED SUGGESTED MODIFICATIONS TO THE PROPOSED LOCAL IMPLEMENTATION PLAN AMENDMENT

LCP Amendment No. LCP-4-MAL-21-0073-2 (Sea View Hotel Project)

The City's proposed amendment language to the certified Local Implementation Plan is shown in ~~strikethrough~~ and underline. Language approved by the Commission to be modified is shown in ~~double strikethrough~~ and double underline. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

Suggested Modification No. 1

LIP Section 3.4.6 (Sea View Hotel Overlay District), and subsection B and C of LIP Section 3.4.6 shall be modified as follows:

3.4.6 Sea View Hotel Overlay District (22729 Pacific Coast Highway/APN 4452-022-010 and 22741 Pacific Coast Highway/APN 4452-022-017)

...

B. Description of Area Subject to LIP Section 3.4.6. The provisions of this section shall apply to the Project Site, a 51,776 square foot (1.19 acre) ~~site, parcel,~~ comprised of two ~~merged~~ parcels, currently identified as 22729 Pacific Coast Highway and 22741 Pacific Coast Highway (Los Angeles County Assessor Parcel Numbers 4452-022-010 and 4452-022-017) in the Sea View Hotel Overlay District map.

C. Applicability. The Commercial Development Standards contained in LIP Section 3.4.8, as well as other applicable certified LCP policies and provision shall apply, unless specifically modified by this section.

Suggested Modification No. 2

Subsection D of LIP Section 3.4.6 (Sea View Hotel Overlay District) shall be modified as follows:

D. Development Agreement. Pursuant to a Development Agreement between the property owner and the City of Malibu, the allowable Floor to Area Ratio (FAR) is increased from 0.15 to 0.52 ~~if~~ ~~the applicant will~~ ~~contributes~~ ~~\$800,000 to the City for public benefits and amenities,~~ to be expended as the City Council determines to be an appropriate use.

Suggested Modification No. 3

The following subsection shall be added to LIP Section 3.4.6 (Sea View Hotel Overlay District):

E. Overnight Visitor-Serving Accommodations

NOTE: In addition to the requirements of LIP Section 12.10 regarding providing a component of lower cost overnight visitor accommodations, the owner of the Sea View Hotel Site as of the date of the Coastal Commission’s action on LCP Amendment No. LCP-4-MAL-21-0073-2 (“Applicant”) has agreed to enter into an agreement with the Coastal Commission to fund an associated escrow account, thereby committing to pay an in-lieu fee to another entity acceptable to the Executive Director of the Coastal Commission for use in developing lower cost visitor accommodations, to be released upon Applicant’s securing of entitlements to develop the site consistent with development standards of the Sea View Hotel Overlay District below.

Suggested Modification No. 4

Subsection E of LIP Section 3.4.6 (Sea View Hotel Overlay District) shall be modified as follows:

EF. Development Standards.

| | |
|-----------------------------------|---|
| ... | |
| PROJECTIONS INTO YARDS | |
| | <p><u>The provisions of LIP Section 3.5.3(B) apply with the is modified as following e additional provision:</u></p> <ul style="list-style-type: none"> • <u>Access and exit stairs required by the Fire Department, and existing retaining walls may project without limit into required side yards.</u> |
| SITE DEVELOPMENT CRITERIA | |
| ... | |
| <u>Minimum Onsite Landscaping</u> | <p><u>The provisions of LIP Section 3.8(A)(5)(b) shall not apply. The Sea View Hotel landscaping criteria are as follows: A minimum of 8,977 square feet of landscaping at ground level. Additionally, there shall be a minimum of 2,528.6 square feet of plants in planters on the southerly seaward areas of the various decks.</u></p> |
| <u>Minimum Onsite Open Space</u> | <p><u>The provisions of LIP Section 3.8(A)(5)(b) shall not apply. The Sea View Hotel open space criteria are as follows:</u></p> |

| | |
|--|---|
| | <p><u>A minimum of 1,313.8 square feet of private recreational area at ground level and first level reception area and 21,494 square feet at guest deck patios, not already included in landscape area, are required.</u></p> |
| <p><u>HEIGHT</u></p> | |
| <p><u>Maximum Height Projections</u></p> | <p><u>The provisions of LIP Section 3.8(A)(1) shall not apply. The Sea View Hotel height requirements are as follow:</u></p> <ul style="list-style-type: none"> • <u>New structures which have sloping roofs that slope less than 25% shall be no higher than 24 feet above the existing natural grade or finished grade, whichever results in a lower building height, excluding basements</u> • <u>New structures which have sloping roofs that slope 25%, or more, shall be no higher than 28 feet above the existing natural grade or finished grade, whichever results in a lower building height, excluding basements. Areas such as elevator shafts in order to comply with ADA laws, the wooden deck above the existing tile rooftop deck, the fire exit stairs required by the Fire Department, the safety railing around the decks, and the sound wall as described in the Mitigated Negative Declaration are excluded from the referenced height restrictions. Seven-foot overhangs to eliminate sun from hitting south facing windows are excluded from the height standards.</u> |
| <p><u>PARKING AND ACCESS</u></p> | |
| <p><u>Parking Requirements</u></p> | <p><u>The provisions of LIP Sections 3.14.2 and 3.14.3 shall not apply. The Sea View Hotel parking requirements are as follows:</u></p> <ul style="list-style-type: none"> • <u>1.5 parking spaces per hotel room.</u> • <u>1 space for each, per-shift employee (15 full time employees per shift – 15 spaces)</u> • <u>1 space for each 100 square feet of gross floor area used for consumption of</u> |

| | |
|--|---|
| | <p><u>food or beverages, or public recreation areas.</u></p> <ul style="list-style-type: none"> • <u>1 space for each 5 fixed seats, or for every 35 square feet of assembly area where there are no fixed seats in meeting rooms or other assembly areas.</u> |
| ... | |
| <u>Layout and Paving</u> | <p><u>The provisions of LIP Section 3.14.5 are modified or shall not apply as follows:</u></p> <p>...</p> <ul style="list-style-type: none"> • The landscaped areas and the parking plan shown on the Sea View Hotel plans are an integral part of the proposed hotel and are acceptable within the overlay district. |
| <u>MONUMENT SIGN AND GENERAL SIGN REQUIREMENTS</u> | |
| | <p><u>The provisions of LIP Section 3.15.6 are modified or shall not apply as follows:</u></p> <ul style="list-style-type: none"> • <u>The provisions of LIP Section 3.15.6(A)(2)(d)(iii) shall not apply.</u> <p>...</p> |

Suggested Modification No. 5

Subsection F of LIP Section 3.4.6 (Sea View Hotel Overlay District) shall be modified as follows:

FG. PERMITTED USES

The following permitted, conditionally permitted, and prohibited uses and design standards are as follows: shall apply to the Sea View Hotel Overlay District. Permitted and conditionally permitted uses that are a component of the hotel development are subject to the custom development standards of this Sea View Hotel Overlay District. Permitted or conditionally permitted uses that are not a component of the hotel development are subject to all applicable policies and provisions of the certified LCP, including the Commercial Development Standards in LIP Section 3.8.

- a. Permitted Uses: The uses and structures permitted within Sea View Hotel Overlay District are as follows:
 - i. All uses permitted in the Commercial Visitor Serving-2, (CV-2), land use zoning district, as specified in the LCP.

ii. Restaurants that are open to the general public will require one parking space for every 100 square feet of serving area.

...

c. Conditionally Permitted Uses. The following uses may be permitted subject to additionally obtaining a Conditional Use Permit in accordance with the requirements of the MMC:

i. All conditionally permitted uses in the Commercial Visitor Serving-2 (CV-2) land use zoning district, as specified in the LCP.

Suggested Modification No. 6

Modify the Sea View Hotel Overlay District Map (attached as Exhibit 3 of this staff report) to depict the Sea View Hotel Overlay District site as two parcels and add corresponding addresses and assessor parcel numbers (22729 Pacific Coast Highway/APN 4452-022-010 and 22741 Pacific Coast Highway/APN 4452-022-017) to differentiate which parcels are subject to the Sea View Hotel Overlay District.

Suggested Modification No. 7

Modify the LIP Zoning Map (attached as Exhibit 2 of this staff report) to depict the Sea View Hotel Overlay District site as two parcels APN 4452-002-010 and 4452-022-017.