

**Native American Cultural Resources Advisory Committee**  
**Regular Meeting Agenda**

**Wednesday, May 9, 2012**

**6:00 p.m.**

**Malibu City Hall – Multi-Purpose Room  
23825 Stuart Ranch Road**

Call to Order – Chair

Roll Call - Recording Secretary

Approval of Agenda

Report on Posting of Agenda – May 3, 2012

**1. Written and Oral Communications from the Public**

- A. Communications from the public concerning matters which are not on the agenda but for which the Native American Cultural Resources Advisory Committee has subject jurisdiction. The Native American Cultural Resources Advisory Committee may not discuss or act on these matters at this meeting.
  
- B. Native American Cultural Resources Advisory Committee and staff comments and inquiries

**2. Consent Calendar**

None.

**3. Old Business**

None.

**4. New Business**

- A. Cultural Resources Issues Associated with the Rancho Malibu Hotel Project located at 4000 Malibu Canyon Road

Staff Recommendation: Review and comment on cultural resources issues associated with the Rancho Malibu Hotel Project located at 4000 Malibu Canyon Road.

Staff Contact: Senior Planner Danner, ext. 276

**Adjournment**

**Future Native American Cultural Resources Advisory Committee Meetings**

June 13, 2012	6:00 p.m.	Regular Meeting	Malibu City Hall
July 11, 2012	6:00 p.m.	Regular Meeting	Malibu City Hall

**Guide to Native American Cultural Resources Advisory Committee Proceedings**

**The Oral Communication** portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the Native American Cultural Resources Advisory Committee. No action may be taken under, except to direct staff, unless the Committee, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Committee and staff will follow up at an appropriate time on those items needing response. Each speaker is limited to three (3) minutes. Time may be surrendered by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Chair. Speakers are taken in the order slips are submitted.

**Items in Consent Calendar Section A** have already been considered by the Committee at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

**Items in Consent Calendar Section B** have not been discussed previously by the Committee. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Committee Members may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Committee following the action on the Consent Calendar. The Committee first will take up the items for which public speaker requests have been submitted. Public speakers shall follow the rules as set forth under Oral Communication.

**Old Business** items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

**Items in New Business** are items which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

*Copies of the staff reports or other written documentation relating to each item of business described above are on file in the Planning Department, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours which are 7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday. Written materials distributed to the Native American Cultural Resources Advisory Committee within 72 hours of the Native American Cultural Resources Advisory Committee meeting are available for public inspection immediately upon distribution in the Planning Department at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5(b)(2)). Copies of staff reports and written materials may be purchased for \$0.25 per page. Pursuant to state law, this agenda was posted at least 72 hours prior to the meeting.*

*The City Hall telephone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Victor Peterson at (310) 456-2489, ext. 251. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]. Requests for use of audio or video equipment during a Committee meeting should be directed to Alex Montano at (310) 456-2489 ext. 227 or [amontano@malibucity.org](mailto:amontano@malibucity.org) at least 48 hours prior to the meeting.*

*I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements; dated this 3<sup>rd</sup> day of May, 2012.*

  
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 Jessica Blair, Administrative Analyst



## Committee Agenda Report

To: Chair Greene and Members of the Native American Cultural Resources Advisory Committee

Prepared by: Stephanie Danner, Senior Planner *SD*

Approved by: Joyce Parker-Bozylinski, AICP, Planning Director *JPB*

Date prepared: May 3, 2012 Meeting date: May 9, 2012

Subject: Cultural Resources Issues Associated with the Rancho Malibu Hotel Project located at 4000 Malibu Canyon Road

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**RECOMMENDED ACTION:** Review and comment on cultural resources issues associated with the Rancho Malibu Hotel Project located at 4000 Malibu Canyon Road.

**DISCUSSION:** A new resort hotel development is proposed at 4000 Malibu Canyon Road, three contiguous parcels at the northeastern intersection of Pacific Coast Highway and Malibu Canyon Road. Two archaeological sites have been recorded on the subject site: CA-LAN-266 and CA-LAN-1715. To protect other potential cultural resources located on the subject parcels containing the recorded site, Phase II testing of the site was completed in 1990 and a Cultural Resources Management Plan was prepared in 2007 and updated in April 2012.

### **Background**

In 1984, a large hotel complex, known as Rancho Malibu Mesa Development (also previously referred to as the Adamson Hotel), was proposed for the 27.8 acre site. The County of Los Angeles prepared an Environmental Impact Report (EIR) for that proposal in 1984, evaluating seismic, soils, water, visual, and traffic impacts.

The County approved a conditional use permit (CUP No. 2446) for that proposal on March 13, 1985, and on January 7, 1986, the California Coastal Commission (CCC) issued an approval of the coastal development permit (CDP No. 5-85-418). Subsequently, the project was redesigned to comply with the County's certified Malibu / Santa Monica Mountains Land Use Plan and to respond to landscaping, grading, and visual concerns. The redesigned

proposal, which was approved by the County, included a 300-room hotel in separate hillside villas, a separate restaurant, and a separate community use facility.

The CCC approved permit imposed a total of 47 conditions on the project. Prior to the incorporation of the City of Malibu, all but one of these conditions was complied with. The remaining condition related to wastewater disposal. In 1991, the City of Malibu placed a moratorium on all new development and the project was precluded from moving forward.

In 1995, the property owner submitted a conditional use permit (CUP) application (CUP No. 96-005) to the City of Malibu for the construction of a somewhat smaller 250-room hotel complex. A scaled down version of the hotel project (146 rooms, constructed in two phases) was approved on appeal by the City Council in March 1998. In 2002, the City Council found that the revised project plans were in substantial conformance with the requirements set forth in the approval resolution, dated March 1998. The approval of the project was kept active until 2006 through annual time extensions issued by the City. Upon adoption of Malibu's LCP, the applicant was advised to apply for a CDP.

In July 2007, the property owner submitted a CDP application (CDP No. 07-083) to the City of Malibu for the construction of a 146-room hotel (some of which would be under fractional ownership). The City contracted with an environmental firm to start work on an EIR in late 2007. However, the applicant submitted a letter requesting to withdraw the application and the CDP and associated requests were officially withdrawn on June 24, 2009.

In June 2011, the property owner submitted a CDP application (CDP No. 11-028) to the City for the same scope of work proposed as part of the 2007 CDP. On April 9, 2012, the City Manager executed a Professional Services Agreement with AMEC Environmental & Infrastructure, Inc. (AMEC) for the preparation of an EIR for the proposed project. The cost of the preparation of the EIR will be covered by the project applicant.

This application is currently under review.

### **Prior Environmental Review and Project Approval**

An EIR was certified by the Planning Commission on November 3, 1997.

- Draft EIR – dated July 1996
  - *PROJECT DESCRIPTION:* a 250-room, 239,400 square foot hotel comprised of 11 separate villas. Square footage breakdown is as follows:
    - Villas: 147,071 sf
    - Administration: 8,699 sf
    - Lobby and lobby bar: 8,800 sf
    - Café: 4,200 sf
    - Support facilities (kitchen, guest services, maintenance): 15,561 sf

- Housekeeping: 1,955 sf
- Mechanical / storage: 12,350 sf
- Receiving: 4,566 sf
- Ballroom: 5,000 sf
- Meeting rooms: 9,616 sf
- Garden units: 2,461 sf
- Retail and garden units: 5,449 sf
- Fitness center and spa: 3,948 sf
- Theme restaurant: 9,674 sf

Also included: 1) swimming pool; 2) tennis courts; 3) lawn bowling; 4) 397 parking spaces for hotel and 95 spaces for theme restaurant; 5) onsite full reclamation facility with groundwater monitoring wells and moisture sensors for irrigation; 6) approximately 144,000 cubic yards of grading to be balanced onsite; 7) traffic circulation improvements; 8) landscaping; and 9) dedication of a public trail.

*REVISED PROJECT DESCRIPTION:* Due to input from the public, the Draft EIR was revised as follows: 1) the proposed theme restaurant was removed from the project description and replaced by a Cultural Center; 2) new calculations were completed for wastewater generation; and 3) new calculations were completed for traffic impacts resulting from the change to the project description. A total of 492 parking spaces were proposed and the square footage for the project was 242,391 square feet (a 20 percent floor area ratio).

At its March 23, 1998 hearing, the City Council adopted Resolution No. 98-001 which approved CUP No. 96-005, Variance No. 96-010 and Site Plan Review No. 96-015 to construct a 146-room hotel (106 rooms initially and 40 rooms subsequently).

### **Current Project Description – CDP No. 11-028**

Refer to Attachment 2 for a detailed project description of the proposed project. Additionally, Attachment 3 includes a table that details the differences between the project considered in the certified EIR, the project that was eventually approved by the City Council in 1998, and the current proposed project.

Copies of the submitted cultural resources reports are on file at the City and may be reviewed by Native American Cultural Resources Advisory Committee members at the City Hall prior to the meeting.

### **ATTACHMENTS:**

1. Chapter on Archaeological Resources from the Certified EIR (1997)
2. Proposed Project Description
3. Project Comparison Table

**REVISED DRAFT**

**ENVIRONMENTAL IMPACT REPORT  
(CONDITIONAL USE PERMIT APPLICATION)  
SCH. NO. 95051063**



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**RANCHO MALIBU  
HOTEL**

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## **2.8 ARCHAEOLOGICAL RESOURCES**

This section summarizes conclusions of archaeological reports prepared for the proposed project by HEART (Historical, Environmental, Archaeological, Research Team) in November, 1995 and May, 1996 which is incorporated by reference. The reports were prepared to review previous studies conducted for the site, and to develop mitigation measures to reduce potential impacts as appropriate.

### **ENVIRONMENTAL SETTING**

Results of a records search indicate that seven prehistoric archaeological sites (CA-LAN-31; CA-LAN-266; CA-LAN-319; CA-LAN-406; CA-LAN-479; CA-LAN-1417; and CA-LAN-1715) have been recorded within one-half mile of the project site. Two (CA-LAN-266 and CA-LAN-1715) of these sites are located within the boundaries of the proposed Rancho Malibu Hotel site. However, the review of data for these two sites indicates that CA-LAN-1715 is most probably a portion of CA-LAN-266 site.

**CA-LAN-266 Site:** The site was first recorded on March 11, 1961 by Chester King and Mike Glassow. The site dimensions were approximately 20 yards by 40 yards, and artifacts included flake scrapers, core scrapers, and chert, quartzite and basalt lithic materials. Fourteen artifacts collected from CA-LAN-266 in 1962 are curated at the Fowler Museum, UCLA, under accession number 339.

In 1980, Beth Padon conducted an on-foot reconnaissance of a 3.15-acre parcel located directly north of the site area recorded in 1961, which did not yield any cultural remains of archaeological or historic nature. Padon prepared and submitted a site record for the CA-LAN-266 and noted that "the unique value of LAN-266 derives from the fact that few open coastal prehistoric sites remain in this area. Furthermore, it lies in close proximity to, and in potential association with, the nearby large Chumash village, Hu Maliwu."

In 1984, Ronald Bissell of RMW Paleo Associates conducted an archaeological survey of an entire 28-acre area, which encompasses CA-LAN-266. During this survey, 30 chert flakes were found. Two probable manos (tools used in grinding of corn) and a fragment of abalone shell were also located, and some of the flake material appeared utilized.

In 1990, Bissell conducted a Phase II Study of CA-LAN-266. (At that time, a new site, CA-LAN-1715, a possible locus of CA-LAN-266, was recorded.) According to Mr. Bissell, the site was surface collected and 14 one-by-one meter units were excavated. Richard Angula served as the Chumash observer during the course of

the study. The study yielded 647 artifacts. The preliminary results of the Phase II testing of CA-LAN-266 revealed an extensive prehistoric archaeological site based on surface artifact distributions and subsurface testing. This is an extremely sensitive area containing surface artifacts, as well as subsurface archaeological site's soils with a maximum depth of 50 centimeters (20 inches) in portions of the area. The data collected during the test excavation have been recently examined and the site is considered an important archaeological resource. The site was most probably a hunting encampment with hard seeds collected and processed. Vegetable fiber work, animal hide processing, and woodwork are also indicated by the tools in the assemblage. The artifacts indicate the site's occupation at the time when the mortar and pestle technology was being introduced, at a period of time preceding the use of the bow and arrow.

**CA-LAN-1715 Area:** CA-LAN-1715 was recorded by Ron Bissell on January 12, 1990, as a separate archaeological site. The review of existing data, however, indicates that this site was most probably a portion of the CA-LAN-266 site. This area is described as consisting of a light surface scatter of chipped and ground stone artifacts over a 200-square meter area.

Eight surface artifacts (five flakes, two cores, and a single mano) were found at this location. One unit was excavated, and it revealed extensively disturbed subsurface soils with no artifactual materials. In addition to the disturbed soils, portions of this area remain undisturbed, and, potentially, may contain additional artifacts.

## **THRESHOLDS FOR DETERMINING SIGNIFICANCE OF IMPACTS**

The proposed Rancho Malibu Hotel will have a significant impact on archaeological resources if its construction or operation will damage an important prehistoric archaeological site.

## **PROJECT IMPACT**

The proposed Rancho Malibu Hotel development plan includes in-situ preservation of prehistoric cultural resources by capping or covering the deepest and most sensitive portion of the CA-LAN-266 site, including the CA-LAN-1715 area. About 90 percent of this site will be capped. In addition, the City will require the developer to implement a cultural resource management plan (CRMP) covering 100 percent of the site. The CRMP's conditions will be incorporated into deed restrictions for the property to ensure the protection of this archaeological site in perpetuity for future generations.

The CRMP includes detailed instructions for removal of vegetation, capping, and surface collection/mapping of each specific sub-area of the site, monitoring each phase of the process, curation of any recovered archaeological materials, documentation, and utilization of these materials for displays and interpretive programs about prehistoric Native Americans who lived in this area.

Upon completion of the implementation of the CRMP, a detailed report will be prepared and filed with the South Central Coastal Information Center, UCLA Institute of Archaeology. The material remains recovered at the site could be utilized in interpretive programs and displays within the proposed design of the project, incorporating site data into displays, dioramas, a demonstration settlement, and/or similar exhibits to provide information about the history of Tongva/Gabrielino and Chumash Native Americans.

The CRMP will be implemented under the City's supervision. The City will not permit any project activity to proceed on the site until the management plan is implemented to its satisfaction.

The implementation of the CRMP will preserve 90 percent of the CA-LAN-266 site, including the CA-LAN-1715 area, and protect the remaining ten percent of the undisturbed site area.

## **MITIGATION MEASURES**

- 8.1 The applicant shall implement a Cultural Resource Management Plan (CRMP) as approved by the City's archaeologist. The CRMP shall include detailed instructions for removal of vegetation, capping, and surface collection/mapping of each specific sub-area of the site, monitoring, curation of any recovered archaeological materials, documentation, and utilization of these materials for displays and interpretive programs about prehistoric Native Americans who lived in this area. The CRMP shall be implemented under the City's supervision. No construction activity in any affected area shall be permitted until the City determines that the CRMP for that area is fully completed. A representative of the area's Native American peoples shall be consulted, present, and/or otherwise appropriately involved in the implementation of the CRMP.
- 8.2 In the event that a major new archaeological discovery is made, construction activity in that area shall be terminated and the City shall be notified of such findings. The Planning Director, in consultation with the City Archaeologist, shall determine CRMP procedures to be implemented at the affected location, including any modifications to the CRMP as appropriate.

- 8.3 The project shall include Chumash cultural motifs in lobby art and other interior decoration as appropriate to provide a means to recognize the cultural origins of the project site.

### **LEVEL OF SIGNIFICANCE AFTER MITIGATION**

With implementation of the mitigation measures, project impacts will be reduced to a level which is **less than significant**.

### **REFERENCES**

1. | *Cultural Resources Management Plan for the Rancho Malibu Hotel*. Robert Wlodarski, HEART. November, 1995.
2. *Cultural Resource Summary for the Rancho Malibu Hotel*. Robert Wlodarski, HEART. May, 1996.

# RANCHO MALIBU HOTEL PROJECT

## 4000 Malibu Canyon Road

### ● PROJECT DESCRIPTION AND SETTING ●

The subject property is a combination of three vacant parcels totaling 27.8 acres located in a triangle-shaped area formed by the intersections of Malibu Canyon Road, Pacific Coast Highway (PCH) and Civic Center Way.

**Project Location:** 4000 Malibu Canyon Road



The proposed development ("Rancho Malibu Hotel Project") is designed as a 146-room luxury hotel resort with a floor area ratio (FAR) of 14.45%. The FAR does not include the square footage of any below ground square footage (i.e. the basement) or of any parking areas. Approximately 274,936 square feet of development (gross square footage, including basement) is proposed both for the main hotel building and the 21 detached, two-story casitas which house the majority of hotel rooms. The hotel will include the following facilities, most of which will be open to hotel guests as well as the general public: retail shops, hotel restaurant, sundries store, lobby bar, library, ballrooms, meeting rooms, fitness center and spa, swimming pool, pool cabanas and function lawns. The hours of operation for each facility vary. The proposed hours for the retail shops are 9 a.m. to 9 p.m., hotel restaurant 6 a.m. to 1 a.m., lobby bar 10 a.m. to 2 a.m., ballrooms and meeting rooms 6 a.m. to 2 a.m. (if an event is hosted), fitness and spa 5 a.m. to 10 p.m., pool cabanas 7 a.m. to 12 midnight and function lawns 8 a.m. to 12 midnight.

The project proposes a tentative tract map to create an airspace subdivision to allow each hotel room, as well as two retail spaces, to be sold individually as commercial condominiums. The owner of each unit will be limited to staying in the unit no more than 180 days per calendar year, with consecutive stays limited to no more than 30 days. When the unit owner is not staying at the hotel, the unit will be placed into the normal pool of hotel rooms to be rented out to the public. Regardless of whether the owner or a hotel guest is staying in the room, applicable transient occupancy taxes (TOT) will be charged per night.

The project includes 543 parking spaces to be located primarily in a three-level, 166,827 square foot subterranean parking structure as well as in a surface employee lot and guest registration lot. The number of parking spaces is less than the minimum number required and therefore a

variance will be required. Approximately 44% of the site would be dedicated for landscaping with 25% dedicated as open space; areas which would include pedestrian walkways, courtyards, water features and native plantings. Stormwater improvements including drains, detention basins and a large storage tank beneath the parking structure are planned. Due to the substantial size of the basement (76,196 square feet) and the subterranean parking garage proposed, approximately 189,760 cubic yards of earth material would be excavated and exported from the project site.

The Civic Center area of the City of Malibu is not served by a public sewer system so individual developments provide their own individual onsite wastewater treatment systems (OWTS) for disposal of wastewater. On November 5, 2009, the Los Angeles Regional Water Quality Control Board (RWQCB) adopted an amendment to its Basin Plan which prohibits onsite wastewater disposal systems in the Malibu Civic Center area, with the exception of those projects identified in the Table 4-zz list. The subject project site is located within the Malibu Civic Center area and was not included in the Table 4-zz list in this 2009 Basin Plan amendment.

The California Water Resources Control Board (CWRCB) adopted the RWQCB's Basin Plan amendment on September 21, 2010, and directed its staff to submit the amendment to the Office of Administrative Law for approval. The City is proposing an alternative approach to addressing water quality concerns in the Civic Center area, the first phase of which is expected to involve construction of a new state-of-the-art centralized wastewater treatment facility to handle existing and potential future wastewater treatment needs in the Civic Center area by 2015. The City's wastewater consultant is currently preparing an initial system design and detailed project description. The City expects to certify the final EIR for the centralized system no later than March 2013.

In February 2012, the California Regional Water Quality Control Board issued a letter in agreement with the applicant that the subject project site should have been included on the Table 4-zz list and that the project is entitled to the same status as the other projects that qualified for listing in the Table 4-zz list. In order to revise the Table 4-zz list, an amendment to the Basin Plan Amendment is required. On April 27, 2012, the City of Malibu issued a letter to the Executive Director of the CWRCB supporting an amendment to add the project to the Table 4-zz list.

The project includes the installation of an onsite wastewater treatment system (OWTS) facility to serve the proposed use. The proposed OWTS facility utilizes a membrane bioreactor system to provide an effluent quality to meet tertiary treatment standards for recycled water. Tertiary treated effluent from the proposed system would be suitable for recycled water uses such as irrigation for landscaping, commercial air-conditioning and cooling or recycled plumbing use. The proposed OWTS plant must meet both Regional Water Quality Control Board and City of Malibu standards and obtain a permit from both the Regional Board and the City.

As an alternative, in the event the SWRCB does not allow the proposed project to move forward with an individual advanced treatment facility, the Rancho Malibu Hotel Project will connect to the City's planned Civic Center centralized wastewater treatment facility once it becomes available. Although no project description has yet been formulated, it is anticipated that the City system would include a new sewer main along Civic Center Way, as well as a new reclaimed water distribution main. It is also anticipated that the Rancho Malibu Hotel Project would utilize an onsite sewer lateral to connect to the new sewer main that the City would construct. The Rancho Malibu Hotel Project proposes a separate onsite reclaimed water connection with a non-potable irrigation meter that will tie into the treated non-potable water main. This

connection would meet up to 100 percent of the irrigation requirement as well as provide other potential options for reusing up to 50 percent of the treated effluent generated by the Rancho Malibu Hotel Project.

Electrical service is currently available to the project site from Southern California Edison. Overhead lines currently crossing the property would be placed underground, while two existing transformers would be relocated and two additional transformers would need to be sited within the project. Natural gas service is available for heating and food preparation from the Southern California Gas Company. Water service would be provided by Los Angeles County Waterworks District No. 29 (District 29). The project also anticipates making an intersection upgrades in the vicinity of the project to address traffic impacts, as recommended by the project's traffic engineer.

Currently the site is mostly undeveloped and covered with native vegetation and ornamental plants from a previous nursery operation. Prior to the Calabasas wildfire of October 1996, approximately eight acres of coastal sage scrub existed along the Civic Center Drive frontage of the property and the northern half of the Malibu Canyon Road frontage of the property. Additional damage to onsite vegetation occurred during the 2007 Malibu Canyon Fire. In time, the coastal sage scrub is likely to recover from the effects of the fires. In order to mitigate for any impacts to the coastal sage scrub, as part of the previously approved project, a 30 acre conservation easement on a parcel in the Santa Monica Mountains (referred to as the Francisco Property) was recorded. Portions of the remainder of the site have been graded in the past, and a dirt service road remains on the site. Site access is currently located approximately 300 feet north of the intersection of PCH and Malibu Canyon Road.

Project landscaping would consist of a mix of developed functional planters, lawns and other landscapes within the formal hotel grounds with approximately 11 acres (40 percent of site) around the north, east and southern site perimeter retained in natural or native vegetation. An additional 45,000 square feet of roof top gardens would overlie portions of the spa, retail uses, ballroom and hotel. Approximately 28,000 square feet of lawn would be provided in two locations to support events and functions such as weddings and other celebrations. More than two acres of terrace, deck, and courtyard and portico space would be provided, concentrated around the pool, spa and hotel. Graded slopes are proposed for re-vegetation with a mix of native (*Quercus agrifolia*, California Live Oak) and drought-tolerant plants (e.g., Toyon).

Most of the project site gently slopes away from Malibu Canyon Road before reaching steep slopes above Civic Center Way and PCH. The southern edge of the site above PCH is a steep south-facing slope and there is also a steep northeast-facing slope along a portion of the eastern edge of the property, above Civic Center Way. The Malibu Coast Fault Line runs through the southern portion of the subject site parallel to PCH.

The project site is separated from surrounding uses by major roadways. The only property adjoining the project site is the Malibu Bay Company owned property (APN 4458-028-020) which is used as a leach field for treatment of wastewater originating from the Malibu Colony Plaza shopping center located south of PCH. To the northwest of the site on the hills above Malibu Canyon Road is the Pepperdine University campus (located just north of City limits). To the northeast lies HRL Laboratories and a single-family residential neighborhood, known as the Malibu Knolls. To the east, across Civic Center Way, are three condominium complexes, a church and an elementary school. Further east is the Civic Center area, including City Hall, Malibu Library, three commercial shopping centers and Legacy Park. To the west, across Malibu Canyon Road and at some distance from the site is a large single-family residential

neighborhood, known as the Malibu Country Estates. To the south and southeast across PCH are the vacant Crummer property (APN 4458-018-019), Malibu Bluffs Park, the Michael Landon Community Center, the Malibu Colony Plaza shopping center, single- and multi-family residences along Malibu Road and the beach.

A small section of the California Coastal Commission's (CCC) appeal jurisdiction is located in the upper portion of the project site. The area marks a mapped blue line stream on the City's Local Coastal Program (LCP) Environmentally Sensitive Habitat Area (ESHA) Map. The City Biologist has determined that this stream is actually a buried drainage ditch that is within a concrete culvert. No development associated with the proposed project will occur within 100 feet of the mapped blue line stream.

### **Entitlements Requested**

The following Planning entitlements are proposed for the Rancho Malibu Hotel Project:

- a. Certification of the EIR; and
- b. Approval of a coastal development permit for construction of the hotel and associated discretionary applications, including:
- c. A conditional use permit for hotel use, construction of more than 500 square feet of commercial space, restaurant use, live entertainment, recreation facilities and onsite and offsite alcohol sales;
- d. A lot merger (or equivalent, to be determined);
- e. A tentative tract map for a commercial airspace subdivision (146 hotel rooms and 2 retail spaces);
- f. A variance for non-exempt grading totaling approximately 50,380 cubic yards (a maximum of 27,800 cubic yards is allowed at 1,000 cubic yards per acre);
- g. A variance for construction on slopes in excess of 2½ to 1;
- h. A variance for parking located within the required front yard;
- i. A variance for the reduction in the required number of parking spaces;
- j. A variance for the height of main building to exceed 28 feet, with a maximum height of 36 feet, 2 inches proposed;
- k. A site plan review for the height of the casitas to exceed 18 feet, with a maximum height of 28 feet proposed; and
- l. A minor modification to reduce the required front yard setback.



## **Rancho Malibu Resort Hotel Facilities Hours of Operation and Access**

<b>No.</b>	<b>Function Area</b>	<b>Hours of Operation</b>	<b>Comments</b>
1	Retail Shops	9:00 am – 9:00 pm	<ul style="list-style-type: none"> <li>▪ Open to Hotel Guests and the Public</li> </ul>
2	Hotel Restaurant	6:00 am – 1:00 am	<ul style="list-style-type: none"> <li>▪ Serving Alcohol and Food</li> <li>▪ Open to Hotel Guests and the Public</li> <li>▪ Room Service capability to all Main Hotel Rooms/Casitas</li> </ul>
3	Sundries Store	7:00 am – 10:00 pm	<ul style="list-style-type: none"> <li>▪ Bottled Alcohol and Pre-packaged Food/Sandwiches</li> <li>▪ Open to Hotel Guests and the Public</li> </ul>
4	Lobby Bar	10:00 am – 2:00 am	<ul style="list-style-type: none"> <li>▪ Serving Alcohol and Food</li> <li>▪ Open to Hotel Guests and the Public</li> <li>▪ Occasional on-site Indoor Live Entertainment</li> </ul>
5	Library	8:00 am – 11:00 pm	<ul style="list-style-type: none"> <li>▪ Open to Hotel Guests exclusively (Card Key access)</li> </ul>
6	Ball Rooms and Meeting Rooms	6:00 am – 2:00 am	<ul style="list-style-type: none"> <li>▪ Open to Hotel Guests and the Public for Hotel Resort operations and/or privately hosted functions such as: weddings receptions, bar/bat mitzvahs, musical events, special occasions, and corporate gatherings)</li> <li>▪ Serving Food until 12:00 am and Alcohol until 2:00 am</li> <li>▪ Occasional on-site Indoor Live Entertainment</li> </ul>
7	Fitness Center and Health Spa	5:00 am – 10:00 pm	<ul style="list-style-type: none"> <li>▪ Serving Alcohol and Food</li> <li>▪ Up-scale full service Health Spa</li> <li>▪ Open to Hotel Guests and the Public</li> </ul>
8	Swimming Pool/Spa	9:00 am – 9:00 pm	<ul style="list-style-type: none"> <li>▪ Open to Hotel Guests and their invited Visitors</li> <li>▪ Serving Alcohol and Food</li> <li>▪ Occasional on-site Outdoor Live Entertainment (Note: No outdoor amplified sound shall be permitted between the hours of midnight and 8:00 am. Outdoor amplified sound occurring between the hours of 8:00 am and midnight shall be limited to scheduled events in connection with Hotel Resort operations and/or privately hosted events)</li> </ul>
9	Pool Cabanas	9:00 am – 12:00 am	<ul style="list-style-type: none"> <li>▪ Cabanas available for Hotel Resort operations and/or privately hosted functions such as: weddings receptions, bar/bat mitzvahs, musical events, special occasions, and corporate gatherings)</li> <li>▪ Occasional on-site Outdoor Live Entertainment (Note: No outdoor amplified sound shall be permitted between the hours of midnight and 8:00 am. Outdoor amplified sound occurring between the hours of 8:00 am and midnight shall be limited to scheduled events in connection with Hotel Resort operations and/or privately hosted events)</li> </ul>

10	Function Lawns	8:00 am – 12:00 am	<ul style="list-style-type: none"> <li>▪ Serving Alcohol and Food until 12:00 am</li> <li>▪ Outdoor Function Lawns to accommodate Hotel Resort operations and/or privately hosted functions such as: weddings receptions, bar/bat mitzvahs, musical events, corporate and private meetings, conferences, parties, special occasions, and corporate gatherings.</li> <li>▪ Occasional on-site Outdoor Live Entertainment (Note: No outdoor amplified sound shall be permitted between the hours of midnight and 8:00 am. Outdoor amplified sound occurring between the hours of 8:00 am and midnight shall be limited to scheduled events in connection with Hotel Resort operations and/or privately hosted events)</li> </ul>
11	Guest Transportation	5:00 am – 2:00 am	<ul style="list-style-type: none"> <li>▪ Shuttle vans for use off-site within and outside of the immediate community area</li> <li>▪ Electric golf-carts for on-site transportation</li> </ul>



# Rancho Malibu Hotel - Project Comparison Table

Project Elements	Certified EIR (1997)	Previously Approved Project (City Council 1998)	Current Proposal (2012)
Land Use Documents Used for Review	Interim Zoning Ordinance (IZO) & General Plan	IZO & General Plan	Local Coastal Program (LCP), Malibu Municipal Code (M.M.C.) & General Plan
Number of Rooms (Units)	250	106 initially + 40 more constructed after a minimum of 2 years	146
Floor Area Ratio (F.A.R.) <sup>1</sup>	242,391 sq ft	181,000 sq ft	181,334 sq ft
	20% (including a cultural center)	15% (including cultural center)	15% (no public benefit)
Gross Floor Area <sup>2</sup>	Gross sq ft unknown Basement sq ft unknown	Gross sq ft unknown Basement sq ft unknown	274,936 sq ft of buildings (includes the 76,196 sq ft basement) <u>+ 166,827 sq ft parking structure</u> <b>441,763 sq ft total</b>
Basement	One level	One level	Two levels
Number of Detached Villas / Casitas	11 villas	25 villas	21 casitas
Total Number of Structures	~ 16	~ 27	23 (including parking structure)
Structure Height	Mostly 28 ft, except 35 ft rotunda	28 ft	Casitas are 24 ft max, Main hotel building is 36 ft-2 in max
Parking	492 spaces (397 for hotel, 95 for cultural center) Surface parking only	431 spaces	543 spaces (including 166,827 sq ft subterranean parking structure)
Grading	119,000 cubic yards (c.y.) balanced onsite	119,000 c.y. balanced onsite	<b>TOTAL 269,840 c.y.</b> (cum. cut and fill) 35,260 c.y. non-exempt 189,760 c.y. export
Wastewater	Onsite wastewater treatment system (OWTS)	OWTS	Proposed OWTS Alternative – Link to Civic Center system

<sup>1</sup> F.A.R. = the formula for determining permitted building area as a percentage of lot area; obtained by dividing the above-ground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land.

<sup>2</sup> Gross Floor Area = the sum of the gross horizontal areas of the several floors of a building measured from the interior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than six feet.

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<b>Project Elements</b>	<b>Certified EIR (1997)</b>	<b>Previously Approved Project (City Council 1998)</b>	<b>Current Proposal (2012)</b>
Landscaping (lot coverage)	17.145 acres (62%)	18.21 acres (66%)	13.17 acres (47%)
Open Space (lot coverage)	Unknown	Unknown	7.7 acres (28%)
Subdivision of air space (hotel rooms and retail)	Not proposed	Not proposed	Tentative Tract Map (TTM) Airspace subdivision to allow private ownership of commercial condominiums (146 hotel rooms and two retail spaces)
Lot Merger	Not proposed	Not proposed	TBD
Variance(s)	Front yard setback (FYSB) reduction	All Variances listed in EIR were approved, except for structure height and construction on slopes variances	Non-exempt grading
	Cumulative side yard setback (SYSB) reduction		Construction on slopes
	Minimum SYSB reduction		Main building height in excess of 28 ft
	Rear yard setback (RYSB) reduction		Parking in front yard setback
	Non-exempt grading		Reduction in the total number of required parking spaces
	Height of manufactured slopes		
	Construction on slopes		
	Structure height in excess of 28 ft		
	Parking located more than 300 ft from use it serves		
Reduction in the total number of required parking spaces			
Site Plan Review	Not proposed (entitlement did not exist in the IZO)	Not proposed (entitlement did not exist in the IZO)	Casita height up to 28 ft
Minor Modification	Not proposed (entitlement did not exist in the IZO)	Not proposed (entitlement did not exist in the IZO)	Front yard setback reduction
Conditional Use Permit	Hotel use	Hotel use	Hotel use
	Lighted tennis courts	Lighted tennis courts	Commercial construction over 500 sq ft
			Restaurant use
			Live entertainment On and off-site alcohol sales

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AMENITIES			
Ballroom / Meeting Room	14,616 sq ft	6,000 sq ft	4,795 sq ft ballroom 1,151 sq ft meeting room
			Open to hotel guests and public for privately hosted events
			Serves food until midnight Serves alcohol until 2 am
			Occasional indoor live entertainment
Restaurant (excludes kitchen area)	4,060 sq ft	Sq ft unknown	4,470 sq ft
			Open to hotel guests and the public
			6 am to 1 am Serves alcohol and food
Sundries Store	None	None	523 sq ft
			7 am to 10 pm
			Sell of bottled alcohol and pre-packaged food
Retail	Sq ft unknown (Described as "small")	Sq ft unknown	Approx 31,470 sq ft
			9 am to 9 pm
Cultural Heritage Center	9,000 sq ft	9,000 sq ft	None
Fitness Center and Health Spa (includes medical spa, private studio, training rooms, doctor office)	10,000 sq ft (open to hotel guests and others)	Sq ft unknown (open to hotel guests and Malibu residents only)	57,653 sq ft
			Open to hotel guest and the public
			5 am to 10 pm Serves alcohol and food
Spa Bar / Café	4,200 sq ft	Sq ft unknown	1,052 sq ft
Lobby Bar	3,000 sq ft	Sq ft unknown	1,256 sq ft
			Open to hotel guests and the public
			10 am to 2 am
			Serves alcohol and food Occasional indoor live entertainment
Library	Unknown	Unknown	1,142 sq ft
			Open to hotel guests only

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Swimming Pool Area (includes pool, spa, fountain and pool deck areas)	Size unknown	Size unknown	19,051 sq ft
			Open to hotel guests and invited guests
			9 am to 9 pm
			Serves food and alcohol
			Occasional outdoor live entertainment between 8 am and midnight may occur in connection with events/functions
Pool cabanas (2 story)	Not proposed	18 cabanas	3,112 sq ft
			Available for hotel guests, their invitees or privately hosted functions
			9 am to midnight
			Occasional outdoor entertainment between 8 am and midnight may occur in connection with events/functions
Tennis Courts	Number of courts not known - lighted	2 courts - lighted	Not proposed
Lawn Bowling	Size unknown	Size unknown	Not proposed
Function Lawns	Not proposed	Not proposed	15,704 sq ft
			+12,703 sq ft
			<b>28,407 sq ft total</b>
			8 am to midnight
			Alcohol and food served until midnight Available for privately hosted events Occasional outdoor entertainment between 8 am and midnight may occur in connection with events/functions
Public Trails / Open Space	Included	Included	Required
Guest Transportation	Shuttle	Shuttle	Shuttle (shuttle pick up and drop off locations and schedule TBD)
			Golf carts for onsite transportation
Rentable Event Space (Available to the Public)	Ballroom, meeting rooms, spa/fitness space	Ballroom, meeting rooms, spa/fitness space, restaurant	Ballroom, meeting room, spa/fitness center, function lawns, restaurant, swimming pool area (if invited by a hotel guest) and cabanas.

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