

October 17, 2016 Regular Meeting

1. Agenda

Documents:

[PC161017\\_AGENDA\\_AMENDED \(LINKS\).PDF](#)

2. Item 3A1 - General Plan Consistency Finding Proposed Vacation Public Right-Of-Way Easement / 3849 Rambla Pacifico

Documents:

[PC161017\\_ITEM3A1.PDF](#)

3. Item 3B1 - Approval Of Minutes

Documents:

[PC161017\\_ITEM3B1.PDF](#)

4. Item 3B2 - Administrative Coastal Development Permit Amendment No. 16-006 / 6075 Murphy Way

Documents:

[PC161017\\_ITEM3B2.PDF](#)

5. Item 4A - Wireless Telecommunications Facility No. 16-001 / 29970.5 Harvester Road

Documents:

[PC161017\\_ITEM4A.PDF](#)  
[PC161017\\_ITEM4A\\_SUPPLEMENTAL.PDF](#)

6. Item 4B - Coastal Development Permit No. 14-003 / 25306 Malibu Road

Documents:

[PC161017\\_ITEM4B.PDF](#)

7. Item 5A - Coastal Development Permit Amendment No. 16-007 And Conditional Use Permit Amendment No. 16-001 / 22333 Pacific Coast Highway

Documents:

[PC161017\\_ITEM5A.PDF](#)

8. Item 6A - Status Of Conditional Use Permit No. 13-004 / 26023 Pacific Coast Highway

Documents:



**Amended<sup>1</sup> Malibu Planning Commission**  
**Regular Meeting Agenda**

**Monday, October 17, 2016**

**6:30 p.m.**

**City Hall – Council Chambers  
23825 Stuart Ranch Road**

Call to Order – Chair

Roll Call – Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – October 7, 2016: Amended Agenda posted on October 11, 2016

**1. Ceremonials / Presentations**

None.

**2. Written and Oral Communication from the Public**

A. Communications from the Public concerning matters which are not on the agenda but for which the Planning Commission has subject jurisdiction. The Planning Commission may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.

B. Planning Commission and staff comments and inquiries

**3. Consent Calendar**

A. Previously Discussed Items

1. [General Plan consistency finding regarding proposed vacation of a portion of the Rambla Pacifico public right-of-way easement \(Continued from September 19, 2016\)](#)

Location: 3849 Rambla Pacifico  
APN: 4451-022-007  
Easement Holder: City of Malibu  
Applicant: Neil Strum  
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Receive and file.

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<sup>1</sup> See addition of Recommended Action on Item No.4.A.

**B. New Items****1. [Approval of Minutes](#)**

Recommended Action: Approve the minutes for the September 19, 2016 Regular Planning Commission meeting.

Staff contact: Planning Director Blue, 456-2489 ext. 258

**2. [Administrative Coastal Development Permit Amendment No. 16-006 – An application to amend Administrative Coastal Development Permit No. 13-071 to add a condition regarding road repair resulting from construction damage](#)**

Location: 6075 Murphy Way, not within the appealable coastal zone

APN: 4467-004-013

Owner: Daniel Thompson

Case Planner: Senior Planner Hawner, 456-2489 ext. 276

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit Amendment No. 16-006.

**4. Continued Public Hearings****A. [Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 – An application for the installation of a new wireless telecommunications facility within the public right-of-way \(Continued from September 19, 2016\)](#)**

*Location: 29970.5 Harvester Road*

*Nearest APN: 4469-013-021*

*Owner: City of Malibu Public Right-of-Way*

*Applicant: Carver Chiu of Crown Castle NG West, Inc.*

*Case Planner: Senior Planner Fernandez, 456-2489 ext. 482*

*Recommended Action: Adopt Planning Commission Resolution No. 16-59 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 to allow the installation of a new wireless telecommunications facility, including a new antenna attached to an existing 34-foot tall utility pole at a height of 38 feet, 8 inches and electrical support equipment in a new underground vault with two above ground vents, located in the public right-of-way at 29970.5 Harvester Road (Crown Castle NG West, Inc.).*

**B. [Coastal Development Permit No. 14-003, Variance Nos. 16-010 and 16-023, and Minor Modification No. 15-016 – An application for a new single-family beachfront residence and associated development \(Continued from September 19, 2016\)](#)**

Location: 25306 Malibu Road, within the appealable coastal zone

APN: 4459-016-013

Owner: Chambers Creek, LLC

Case Planner: Associate Planner Colvard, 456-2489 ext. 234

Recommended Action: Continue this item to a date uncertain.

**5. New Public Hearings**

- A. [Coastal Development Permit Amendment No. 16-007, Conditional Use Permit Amendment No. 16-001, and Variance No. 16-020 – An application to amend Coastal Development Permit No. 13-072 and Conditional Use Permit No. 14-001, including a variance to reduce the required parking spaces and allow the use of a valet](#)

Location: 22333 Pacific Coast Highway  
 APN: 4452-024-005  
 Owner: KW/LF – Malibu Sands, LLC  
 Tenant: Blue Plate Taco  
 Case Planner: Associate Planner Colvard, 456-2489 ext. 234

Recommended Action: Adopt Planning Commission Resolution No. 16-79 denying, without prejudice, Coastal Development Permit Amendment No. 16-007, Conditional Use Permit Amendment No. 16-001, and Variance No. 16-020 for the operation of a restaurant with increased service area, increased seating capacity, and a full alcohol license including a variance to reduce the required parking spaces and allow use of a valet system at an existing commercial shopping center (Malibu Sands Shopping Center) in the Community Commercial zoning district located at 22333 Pacific Coast Highway (KW/LF – Malibu Sands, LLC).

**6. Old Business**

- A. [Status of Conditional Use Permit No. 13-004 for the Operation of Restaurant Located at 26023 Pacific Coast Highway \(Ranch at Solstice Canyon\)](#)

Recommended Action: Receive and file.

Case Planner: Senior Planner Mollica, 456-2489 ext. 346

**7. New Business**

None.

**8. Planning Commission Items**

None.

**Adjournment**

**Future Planning Commission Meetings**

Monday, November 7, 2016	6:30 p.m.	Regular Planning Commission Meeting	City Hall Council Chambers
Monday, November 21, 2016	6:30 p.m.	Regular Planning Commission Meeting	City Hall Council Chambers
Monday, December 5, 2016	6:30 p.m.	Regular Planning Commission Meeting	City Hall Council Chambers
Monday, December 19, 2016	6:30 p.m.	Regular Planning Commission Meeting	City Hall Council Chambers

## **Guide to Planning Commission 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 Planning Commission. No action may be taken under, except to direct staff, unless the Commission, 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 Commission 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 (forms are available outside the Council Chambers). Speakers are taken in the order slips are submitted.

**Items in Consent Calendar Section A** have already been considered by the Commission 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 Commission. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Commissioners 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 Commission following the action on the Consent Calendar. The Commission 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.

**For Public Hearings** involving zoning matters, the appellant and applicant will be given 15 minutes each to present their position to the Planning Commission, including rebuttal time. All other testimony 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.

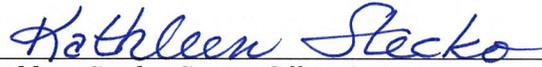
**Planning Commission Items** are items which individual members of the Planning Commission may bring up for action, to propose future agenda items, or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the Commission.

*Planning Commission meetings are aired live and replayed on City of Malibu Government Access Channel 3 and on the City's website at [www.malibucity.org](http://www.malibucity.org).*

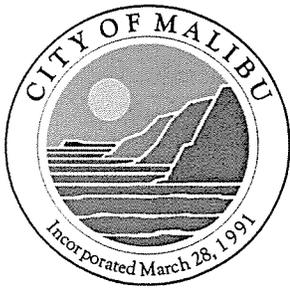
*Copies of the staff reports or other written documentation relating to each item of business described above are on file in the Planning Department, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours which are 7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday. Written materials distributed to the Planning Commission within 72 hours of the Planning Commission 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 \$0.10 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 Craig George at (310) 456-2489, ext. 229. 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 Commission meeting should be directed to Alex Montano at (310) 456-2489 ext. 227 or [amontano@malibucity.org](mailto:amontano@malibucity.org) before 12:00 p.m. on the day of 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. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 11<sup>th</sup> day of October, 2016.



Kathleen Stecko  
Kathleen Stecko, Senior Office Assistant



# Commission Agenda Report

Planning Commission  
Meeting  
10-17-16

**Item  
3.A.1.**

To: Chair Mazza and Members of the Planning Commission

Prepared by: Richard Mollica, Senior Planner

Reviewed by: Robert DuBoux, Assistant Public Works Director/City Engineer

Approved by: Bonnie Blue, Planning Director 

Date prepared: October 6, 2016 Meeting Date: October 17, 2016

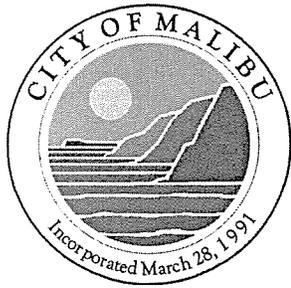
Subject: General Plan consistency finding regarding proposed vacation of a portion of the Rambla Pacifico public right-of-way easement (Continued from September 19, 2016)

Location: 3849 Rambla Pacifico  
APN: 4451-022-007  
Easement Holder: City of Malibu  
Applicant: Neil Strum

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**RECOMMENDED ACTION:** Receive and file.

**DISCUSSION:** At its September 19, 2016 meeting, pursuant to the Commission's request, staff presented additional information regarding the legal description of the subject easement vacation. Currently, staff is preparing a legal description for the proposed vacation area for 3849 Rambla Pacifico. In addition, the Public Works Department is reviewing easements along Rambla Pacifico to create an easement vacation plan that results in a continuous road width. No further action is required by the Planning Commission until the easement vacation plan and legal description is completed.



Planning Commission  
Meeting  
10-17-16

**Item  
3.B.1.**

# Commission Agenda Report

To: Chair Mazza and Members of the Planning Commission

Prepared by: Kathleen Stecko, Senior Office Assistant *KS*

Approved by: Bonnie Blue, Planning Director *BB*

Date prepared: October 4, 2016 Meeting Date: October 17, 2016

Subject: Approval of Minutes

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**RECOMMENDED ACTION:** Approve the minutes for the September 19, 2016 Regular Planning Commission meeting.

**DISCUSSION:** Staff has prepared draft minutes for the above-referenced Planning Commission meeting and hereby submits the minutes for the Commission's consideration.

**ATTACHMENT:** September 19, 2016 Regular Planning Commission Meeting

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 19, 2016  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Chair Mazza called the meeting to order at 6:33 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Chair John Mazza; Vice Chair Jeffrey Jennings; and Commissioners David Brotman, Mikke Pierson, and Roohi Stack.

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Adrian Fernandez, Senior Planner; Richard Mollica, Senior Planner; Jessica Colvard, Associate Planner; Carlos Contreras, Associate Planner; Jamie Peltier, Planning Technician; Robert DuBoux, Assistant Public Works Director/Assistant City Engineer; and Kathleen Stecko, Recording Secretary.

**PLEDGE OF ALLEGIANCE**

Graeme Clifford led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on September 9, 2016, with the amended agenda properly posted on September 14, 2016.

**APPROVAL OF AGENDA**

MOTION Commissioner Brotman moved and Vice Chair Jennings seconded a motion to approve the agenda, continuing Item Nos. 4.B. and 5.A. to the October 17, 2016 Regular Planning Commission meeting and Item No. 5.B. to a date uncertain. The motion carried unanimously.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

None.

**ITEM 2.B. COMMISSION / STAFF COMMENTS**

Commissioner Stack shared that her family had participated in the Nautica Triathlon and expressed support for the event.

Commissioner Pierson inquired if there had been any development activity in the Paradise Cove mobile home park and about the propriety of Planning Commissioners speaking with developers outside of public meetings.

In response to Commissioner Pierson, Assistant City Attorney Rusin stated action could be taken prohibiting ex parte activities, however, the City allowed such interactions to take place, provided they were properly disclosed before an item was discussed at a public meeting.

Commissioners Brotman and Pierson expressed their support for the Nautica Triathlon despite the inconveniences the event presented.

**CONSENSUS**

By consensus, the Commission directed staff to report back on compliance with the parking requirements of the conditional use permits at 22706 Pacific Coast Highway (Nobu) and 22716 Pacific Coast Highway (Soho).

Vice Chair Jennings commented on a group of bicyclists he observed during the Nautica Triathlon riding in the left lane, obstructing traffic, and creating a hazard.

In response to Vice Chair Jennings, Planning Director Blue stated the Council elected to eliminate the Trails Incentive Program.

Chair Mazza stated the amount of money City received for the Nautica Triathlon was not enough to compensate for the inconvenience it created. He requested agenda items be continued if reports were not released with adequate time to be reviewed before Planning Commission meetings.

Planning Director Blue provided an update on the upcoming Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meeting, including topics to be covered.

In response to Chair Mazza, Planning Director Blue stated the City Attorney's Office would be providing guidance on how the Planning Commission should interact with the ZORACES and indicated clarification would be provided at an upcoming ZORACES meeting.

**ITEM 3 CONSENT CALENDAR**

Item No. 3.A.1. was pulled for discussion by Commissioner Brotman and Item No. 3.B.3. was pulled for discussion by Commissioner Pierson.

MOTION Commissioner Pierson moved and Commissioner Brotman seconded a motion to approve the Consent Calendar, except Item Nos. 3.A.1. and 3.B.3. The motion carried unanimously.

The Consent Calendar consisted of the following items:

B. New Items

1. Approval of Minutes  
Recommended Action: Approve the minutes for the September 6, 2016 Regular Planning Commission meeting.  
Staff contact: Planning Director Blue, 456-2489 ext. 258
2. Extension of Coastal Development Permit No. 06-105, Variance Nos. 09-008 and 09-009, and Site Plan Review No. 06-091 – A request to extend the Planning Commission’s approval of an application for the construction of a new single-family residence and development  
Location: 31801 Pacific Coast Highway  
APN: 4470-008-018  
Owner: Villa Rivolo, LLC  
Case Planner: Associate Planner Contreras, 456-2489 ext. 265  
Recommended Action: Adopt Planning Commission Resolution No. 16-71 granting a one-year extension of Coastal Development Permit No. 06-105, Variance Nos. 09-008 and 09-009, and Site Plan Review No. 06-091, an application for the construction of a new single-family residence and associated development in the Rural Residential Ten-Acre zoning district located at 31801 Pacific Coast Highway (Villa Rivolo, LLC).
4. Trancas Field Acquisition Conformance with General Plan (APN 440-012-045)  
Staff contact: Planning Director Blue, 456-2489 ext. 258  
Recommended Action: Adopt Planning Commission Resolution No. 16-78 finding the acquisition of the Trancas Field property for park, recreation or open space purposes conforms with the City of Malibu General Plan, and that this action is exempt from the California Environmental Quality Act (CEQA) located in the Rural Residential-Five Acre (RR-5) zoning district at 6155 Trancas Canyon Road and 30999 Pacific Coast Highway (APN 440-012-045).

The following items were pulled from the Consent Calendar for individual consideration:

A. Previously Discussed Items

1. General Plan consistency finding regarding proposed vacation of a portion of the Rambla Pacifico public right-of-way easement (Continued from September 6, 2016)  
Location: 3849 Rambla Pacifico  
APN: 4451-022-007  
Easement Holder: City of Malibu  
Applicant: Neil Strum  
Case Planner: Senior Planner Mollica, 456-2489 ext. 346  
Recommended Action: Adopt Planning Commission Resolution No. 16-49 finding the vacation of a portion of the public road easement along Rambla

Pacifico to be consistent with the General Plan and that this action is exempt from the California Environmental Quality Act, located in the Multi-Family zoning district at 3849 Rambla Pacifico Road.

Assistant Public Works Director/Assistant City Engineer DuBoux presented the staff report.

Disclosures: Chair Mazza.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Mazza opened public comment.

Speakers: Graeme Clifford and Neil Strum.

As there were no other speakers present, Chair Mazza closed public comment and returned the matter to the table for discussion.

The Commission directed questions to staff and Mr. Strum.

#### MOTION

Commissioner Brotman moved and Chair Mazza seconded a motion to continue the item to the October 17, 2016 Regular Planning Commission meeting to allow staff to provide a civil engineer drawing showing the boundaries of the parcel upon which vacation is requested.

#### FRIENDLY AMENDMENT

Chair Mazza amended the motion to request of staff a master sketch be provided. The maker and the seconder accepted the amendment.

The question was called and the amended motion carried unanimously.

#### B. New Items

3. Administrative Coastal Development Permit No. 13-014, Site Plan Review No. 13-006 and Minor Modification No. 13-005 – An application to construct a new single-family residence and development

Location: 28465 Via Acero Street, not within the appealable coastal zone

APN: 4467-033-014

Owner: Thilo Kuther

Case Planner: Associate Planner Contreras, 456-2489 ext. 265

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 13-014, Site Plan Review No. 13-006 and Minor Modification No. 13-005.

Associate Planner Contreras presented the staff report.

Disclosures: Commissioners Brotman, Pierson, and Stack and Chair Mazza.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Mazza opened public comment.

Speaker: Don Schmitz.

As there were no other speakers present, Chair Mazza closed the public comment and returned the matter to the table for discussion.

The Commission directed questions to staff and Mr. Schmitz.

MOTION

Commissioner Pierson moved and Chair Mazza seconded a motion requesting the issuance of the administrative coastal development permit shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a regular coastal development permit application.

The Commission discussed the motion.

The question was called and the motion failed 2-3, Commissioners Brotman and Stack and Vice Chair Jennings dissenting.

As the motion failed, Chair Mazza stated the Planning Commission received and filed the Planning Director's report on Administrative Coastal Development Permit No. 13-014, Site Plan Review No. 13-006, and Minor Modification No. 13-005.

RECESS

Chair Mazza called a recess at 8:10 p.m., reconvening at 8:17 p.m. with all Commissioners present.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

- A. Coastal Development Permit No. 14-028, and Variance Nos. 14-012 and 15-013 - An application for the construction of a new beachfront single-family residence, accessory structure, and associated development (Continued from September 6, 2016)

Location: 31438 Broad Beach Road, within the appealable coastal zone

APN: 4470-017-065

Owner: Ben Lingo

Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 16-73 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-028, an application for the construction of a new 7,237 square foot single-family residence with attached garage, pool, spa, and roof deck on a beachfront lot and removal of an existing rock revetment, including Variance (VAR) No. 14-012 for construction on slopes and VAR No. 15-013 for construction of a shoreline protection device to

allow for the continued protection of an existing slope and surrounding properties located in the Single-Family Medium Density zoning district at 31438 Broad Beach Road (Lingo).

Senior Planner Mollica presented the staff report.

Disclosures: Commissioner Pierson.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Mazza opened the public hearing.

Speakers: Douglas Burdge, Norman Haynie, Mark Attanasio, Peter Koral, and Dean Vlahos.

As there were no other speakers present, Chair Mazza closed the public hearing and returned the matter to the table for discussion.

MOTION Vice Chair Jennings moved and Commissioner Brotman seconded a motion to adopt Planning Commission Resolution No. 16-73, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-028, an application for the construction of a new 7,237 square foot single-family residence with attached garage, pool, spa, and roof deck on a beachfront lot and removal of an existing rock revetment, including Variance (VAR) No. 14-012 for construction on slopes and VAR No. 15-013 for construction of a shoreline protection device to allow for the continued protection of an existing slope and surrounding properties located in the Single-Family Medium Density zoning district at 31438 Broad Beach Road (Lingo) and 2) adding a condition to memorialize the property owner's willingness to include a requirement to record an offer to dedicate a lateral beach access easement.

The Commission discussed the motion.

The question was called and the motion carried 4-1, Chair Mazza dissenting.

B. Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 – An application for the installation of a new wireless telecommunications facility within the public right-of-way (Continued from September 6, 2016)

Location: 29970.5 Harvester Road  
Nearest APN: 4469-013-021  
Owner: City of Malibu Public Right-of-Way  
Applicant: Carver Chiu of Crown Castle NG West, Inc.  
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482  
Recommended Action: Continue the item to the October 5, 2016 Regular Planning Commission meeting.

The item was continued to the October 17, 2016 Regular Planning Commission meeting upon approval of the agenda.

**ITEM 5      NEW PUBLIC HEARINGS**

A.      Coastal Development Permit No. 14-003, Variance Nos. 16-010 and 16-023, and Minor Modification No. 15-016 – An application for a new single-family beachfront residence and associated development

Location:                    25306 Malibu Road, within the appealable coastal zone  
APN:                            4459-016-013  
Owner:                        Chambers Creek, LLC  
Case Planner:               Associate Planner Colvard, 456-2489 ext. 234

Recommended Action:    Adopt Planning Commission Resolution No. 16-74 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-003, for the construction of a new 5,094 square foot, two-story, single-family beachfront residence with attached garage, decks, return wall, retaining walls, installation of a new alternative onsite wastewater treatment system, and removal of existing timber walls, Variance (VAR) No. 16-010 for the installation of a new bulkhead sited seaward of the shoreline protection device stringline, VAR No. 16-023 for construction on slopes steeper than 2.5 to 1, and Minor Modification No. 15-016 for a reduced front yard setback located in the Multi-Family Beachfront zoning district at 25306 Malibu Road (Chamber Creek, LLC).

The item was continued to the October 17, 2016 Regular Planning Commission meeting upon approval of the agenda.

B.      Local Coastal Program Amendment No. 16-003 – An application to change land use and zoning designations of four contiguous parcels from Public Open Space (POS) and Rural Residential-Forty Acre to Rural Residential-Twenty Acre

Location:                    5603 and 5699 Tuna Canyon Road, 19005 and 19319 Pacific Coast Highway  
APNs:                         4449-009-001, 4449-009-002, 4449-009-003, and 4449-009-004  
Applicant:                    City of Malibu  
Owner:                        Canyon Vineyard Estates I, LLC  
Case Planner:               Senior Planner Mollica, 456-2489 ext. 346  
Recommended Action:    Continue this item to a date uncertain.

The item was continued to a date uncertain upon approval of the agenda.

C.      Conditional Use Permit Amendment No. 15-007 and Administrative Plan Review 15-058 – An application to amend Conditional Use Permit No. 08-009 and to allow for the expansion of the existing convenience market and garage bays at an existing service station (Chevron)

Location:                    23670 Pacific Coast Highway  
APN:                            4458-019-009  
Owner:                        KW Partnership L.P.  
Tenant:                        Ben Pouldar, Malibu Petroleum Inc.  
Case Planner:               Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 16-77 approving Conditional Use Permit Amendment No. 15-007 to amend to Conditional Use Permit No. 08-009 and approving Administrative Plan Review No. 15-058 to allow for a 689 square foot expansion of the existing convenience market and garage bays at an existing service station in the Commercial General zoning district located at 23670 Pacific Coast Highway, at the corner of Pacific Coast Highway and Webb Way (Chevron / KW Partnership L.P.).

Senior Planner Mollica presented the staff report.

Disclosures: Commissioners Brotman and Pierson and Chair Mazza.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Mazza opened the public hearing.

Speakers: Patrick Fiedler and Graeme Clifford.

As there were no other speakers present, Chair Mazza closed the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff and Mr. Fiedler

**MOTION** Chair Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-77, as amended: 1) approving Conditional Use Permit Amendment No. 15-007 to amend to Conditional Use Permit No. 08-009 and approving Administrative Plan Review No. 15-058 to allow for a 689 square foot expansion of the existing convenience market and garage bays at an existing service station in the Commercial General zoning district located at 23670 Pacific Coast Highway, at the corner of Pacific Coast Highway and Webb Way (Chevron / KW Partnership L.P.); and 2) requiring the ancillary buildings be included in the floor area ratio of the site.

The Commission discussed the motion and directed questions to staff.

The question was called and the motion carried unanimously.

**ITEM 6 OLD BUSINESS**

None.

**ITEM 7 NEW BUSINESS**

None.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

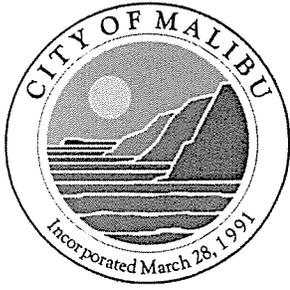
MOTION At 9:32 p.m., Commissioner Stack moved and Commissioner Brotman seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the Planning Commission  
of the City of Malibu on \_\_\_\_\_.

\_\_\_\_\_  
JOHN MAZZA, Chair

ATTEST:

\_\_\_\_\_  
KATHLEEN STECKO, Recording Secretary



# Commission Agenda Report

To: Chair Mazza and Members of the Planning Commission

Prepared by: Stephanie Hawner, Senior Planner

Approved by: Bonnie Blue, Planning Director *BB*

Date prepared: October 5, 2016 Meeting date: October 17, 2016

Subject: Administrative Coastal Development Permit Amendment No. 16-006 – An application to amend Administrative Coastal Development Permit No. 13-071 to add a condition regarding road repair resulting from construction damage

Location: 6075 Murphy Way, not within the appealable coastal zone

APN: 4467-004-013

Owner: Daniel Thompson

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**RECOMMENDED ACTION:** Receive and file the Planning Director's report on Administrative Coastal Development Permit Amendment No. 16-006.

**DISCUSSION:** This agenda item is for informational and reporting purposes only. Pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13, the Planning Director shall report in writing to the Planning Commission any administrative coastal development permits that have been issued by the City of Malibu. If the majority of the appointed membership of the Planning Commission so request, the issuance of an administrative coastal development permit shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a regular coastal development permit application under LIP Section 13.6, subject to the provisions for hearing and appeal set forth in LIP Sections 13.11 and 13.12.

## **Local Implementation Plan Sections 13.13 and 13.29 (Administrative Permits Applicability)**

The Planning Director may process administrative permits if: 1) the proposed project is not appealable as defined in LIP Chapter 2; 2) the proposed project is not within the CCC's continuing jurisdiction as defined in Chapter 2 of the LIP; 3) the project is for any of the uses specified (a) improvements to any existing structure, (b) any single-family

dwelling, (c) lot mergers, (d) any development of four dwelling units or less that does not require demolition and any other developments not in excess of \$100,000.00, other than any division of land; 4) water wells; or 5) onsite wastewater treatment systems (OWTS).

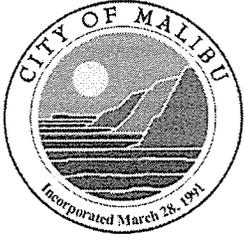
### **Permit Issuance and Local Appeal Period**

On October 11, 2016, the Planning Director will issue the administrative coastal development permit amendment thus beginning the appeal period. The appeal period will begin on October 11, 2016 and end on October 21, 2016. In addition, since this project is not located within the Appealable Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map of the City of Malibu, the project is not appealable to the California Coastal Commission.

The project is more specifically described in the Planning Director's decision attached hereto.

PUBLIC NOTICE: A Notice of Application and Notice of Decision were mailed to property owners and occupants within a 1,000-foot radius of the subject property.

ATTACHMENT: Administrative Coastal Development Permit Amendment No. 16-006



# City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861  
Phone (310) 456-2489 · Fax (310) 456-7650 · [www.malibucity.org](http://www.malibucity.org)

## PLANNING DEPARTMENT

### ADMINISTRATIVE

## COASTAL DEVELOPMENT PERMIT AMENDMENT

**Administrative Coastal Development Permit Amendment No. 16-006**

Categorical Exemption No. 16-097

6075 Murphy Way

APN 4467-004-013

**NOTICE IS HEREBY GIVEN** that the City of Malibu has **APPROVED** an application from Vitus Matare, on behalf of the property owner, Daniel Thompson, for an amendment to Administrative Coastal Development Permit (ACDP) No. 13-071 to add a condition regarding road repair resulting from construction damage. The subject parcel is zoned Rural Residential-Ten Acre (RR-10) and is not located within the Appeal Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction Map of the City of Malibu.

### ***Project Site Description***

The subject property is an unimproved hillside parcel of land. It is accessed from Pacific Coast Highway, via access easements along private roads, Winding Way and Murphy Way, and then another private access easement from Murphy Way.

### ***Approved Project – ACDP No. 13-071***

- a. Construction of a new 6,340 square foot, two story, 24 feet high (flat roof) single-family residence with an attached two car garage and workshop, and 996 square foot basement;
- b. Swimming pool and deck;
- c. Landscaping and hardscape;
- d. Grading, retaining walls;
- e. Access driveway;
- f. Solider piles;
- g. AOWTS; and
- h. Additional discretionary requests:
  - i. SPR for height increase over the 18 feet base district maximum to a maximum of 24 feet for a flat roof; and
  - ii. SPR for development on slopes steeper than 3 to 1.

### ***Proposed Project***

After ACDP No. 13-071 was approved, staff received a comment letter from the President of the Winding Way – Murphy Way Home and Landowners Association requesting that the applicant accept a condition concerning repairs to the private roads resulting from construction. The applicant volunteered to provide this condition. However, the project had already been approved by the Planning Director. Therefore, the applicant submitted the subject amendment application to add the condition.

This ACDP Amendment (ACDPA) No. 16-006, amends ACDP No. 13-071, to add the following condition:

Prior to the issuance of any development permit, the applicant/property owner shall provide a pre-construction assessment of the existing condition of the private roads providing construction access to the subject parcel. A copy of this assessment shall be kept on file with the City. The applicant/property owner shall be responsible for repairs of any damage to the roads that may result during the construction phase of the proposed project as determined by the Building Official. Any obvious damage to the road that becomes apparent during the construction phase (including, but not limited to, pot holes, cracks and ripples) shall be immediately repaired by the applicants/property owner. Prior to a Planning Department final inspection, the applicant/property owner shall submit a post-construction assessment of the road to demonstrate compliance with this condition. A photo survey shall be utilized to complete this assessment.

***Administrative Permits Applicability (LIP Sections 13.13 and 13.29)***

Pursuant to LIP Section 13.29.1, the project can be processed administratively by the Planning Director because: 1) the proposed project is not appealable as defined in LIP Chapter 2; 2) the proposed project is not within the CCC continuing jurisdiction as defined in LIP Chapter 2; and 3) the project is for any of the uses specified (a) improvements to any existing structure, (b) any single-family dwelling, (c) lot mergers, (d) any development of four dwelling units or less that does not require demolition and any other developments not in excess of \$100,000.00, other than any division of land; 4) water wells; and 5) OWTS.

***Project Background***

**Administrative Coastal Development Permit Application**

- ACDP Application Date: December 31, 2013
- Posting of Property: July 27, 2016
- Completeness Determination: July 29, 2016
- Notice of Application Mailer: August 4, 2016
- Notice of Decision Mailer: August 25, 2016
- Issuance of ACDP: August 30, 2016
- Planning Commission Reporting: September 6, 2016
- Appeal Period: August 31, 2016 through September 9, 2016
  
- ACDPA Application Date: September 7, 2016
- Posting of Property: September 8, 2016
- Completeness Determination: September 9, 2016
- Notice of Application Mailer: September 15, 2016
- Notice of Decision Mailer: October 6, 2016
- Issuance of ACDPA: October 11, 2016
- Planning Commission Reporting: October 17, 2016
- Appeal Period: October 11, 2016 through October 21, 2016

***Surrounding Land Uses and Project Setting***

The subject property is located in a residentially developed hillside neighborhood in west Malibu. Properties in the vicinity of the subject property are zoned RR-10 and are primarily developed with single-family residences that have attached or detached garages, and swimming pools. The project site has no trails on or adjacent to it, but there are two proposed trails in the vicinity, according to the LCP Park Lands Map.

Table 1 provides a summary of the lot dimensions and the lot area.

<b>Table 1 – Total Property Data (Merged Parcels)</b>	
Lot Depth	433 feet
Lot Width	206 feet
Gross Lot Area	86,250 square feet (1.98 acres)
Net Lot Area (Gross Lot Area - street easements)	84,889 square feet (1.95 acres)

Table 2 includes a description of the adjacent land uses.

<b>Table 2 – Adjacent Land Uses</b>				
	<b>Address</b>	<b>Size</b>	<b>Zone</b>	<b>Land Use</b>
<b>North</b>	5857 Murphy Way	1.98 acres	RR-10	Single-Family Residence
	5901 Murphy Way	2.02 acres	RR-10	Single-Family Residence
	4467-003-039	1.83 acres	RR-10	Unimproved
<b>South</b>	6091 Murphy Way	2.04 acres	RR-10	Single-Family Residence
<b>West</b>	6097 Murphy Way	16.91 acres	RR-10	Single-Family Residence
<b>East</b>	6035 Murphy Way	3.92 acres	RR-10	Single-Family Residence

***California Environmental Quality Act***

Pursuant to the authority and criteria contained in the California Environmentally Quality Act (CEQA), the Planning Department has analyzed the proposed project. The Planning Department 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 and Section 15303 (a) – New Construction. The Planning Department 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).

***LCP Analysis***

The LCP consists of the Land Use Plan (LUP) and the Local Implementation Plan (LIP). The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP carries out the LUPs policies, and contains specific requirements to which every project requiring a coastal development permit must adhere.

Depending on the nature and location of the proposed project, 14 LIP chapters potentially apply. 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. The remaining nine LIP chapters do contain 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 proposed amendment is to add a condition to ACDP No. 13-071. ACDP No. 13-071 was approved for the development of a single-family residence and associated development. The ACDP project, as approved and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies. The proposed amendment does not include any development or construction, and does not change the consistency findings for the approved project. If road repairs resulting from damage during construction are required, the nature and location of repairs will be evaluated at that time.

### ***Administrative Coastal Development Permit Findings***

The project, as proposed and conditioned, has been determined to be consistent with all applicable LCP goals and policies. Based on the foregoing evidence contained within the record and pursuant to LIP Section 13.13, the Planning Director hereby makes the following findings of fact.

#### **A. General Coastal Development Permit (LIP Chapter 13)**

LIP Section 13.9 requires that the following four findings be made for all coastal development permits.

*Finding A1. The project as described in the application and accompanying materials, and as modified by any conditions of approval, conforms to the certified City of Malibu Local Coastal Program.*

The project is located in the RR-10 zoning district, an area designated for residential uses. ACDP No. 13-071 was reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, Los Angeles Waterworks District No. 29 (WD29) and Los Angeles County Fire Department (LACFD), and the project, as conditioned, was determined to conform to the LCP in that it met all applicable residential development standards, inclusive of the requested SPRs. The proposed amendment does not include any development or construction, and does not change the consistency findings for the approved project.

*Finding A2. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).*

The project is not located between the first public road and the sea. In addition, the subject property does not contain any trails as depicted on the LCP Park Lands Map. Therefore, this finding is not applicable.

*Finding A3. The project is the least environmentally damaging alternative.*

Pursuant to the authority and criteria contained in the CEQA, the project approved as ACDP No. 13-071 was determined not to have a significant adverse effect on the environment, and is categorically exempt from CEQA. The proposed amendment project would not result in significant adverse effects on the environment, within the meaning of CEQA, and there are no further feasible alternatives that would further reduce any impacts on the environment. If road repairs resulting from damage during construction are required, the nature and location of repairs will be evaluated at that time.

*Finding A4. The project is not located in or adjacent to an environmentally sensitive habitat area (ESHA) pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay).*

The southwest corner of the property is designated ESHA as shown on the LCP ESHA and Marine Resources Map. A site specific 2013 Biological Assessment prepared by Forde Biological Consultants and ESHA boundary was reviewed and approved by the City Biologist. The project approved as ACDP No. 13-071, including required fuel modification, has been sited to avoid impacts to ESHA and ESHA buffer by maintaining a 200 foot buffer from ESHA and ESHA buffer. Therefore, Environmental Review Board review was not required, and this finding does not apply.

#### **D. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)**

As discussed in Finding A4, the southwest corner of the property is designated ESHA as shown on the LCP ESHA and Marine Resources Map. The project approved as ACDP No. 13-071, including required fuel modification, has been sited to avoid impacts to ESHA and ESHA buffer by maintaining a 200 foot buffer from ESHA and ESHA buffer.

Therefore, the findings of LIP Section 4.7.6 are not applicable. If road repairs resulting from damage during construction are required, the nature and location of repairs will be evaluated at that time.

**E. 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. If road repairs resulting from damage during construction are required, the nature and location of repairs will be evaluated at that time.

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

The project site is not located along, within, provides views to or is visible from any scenic area, scenic road, or public viewing area. Therefore, the findings of LIP Chapter 6 are not applicable.

**G. Transfer of Development Credits (LIP Chapter 7)**

According to LIP Section 7.2, transfer of development credit applies to land divisions and multi-family development in specified zones. The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not applicable.

**H. Hazards (LIP Chapter 9)**

The proposed amendment does not include development determined to have the potential to create adverse impacts upon site stability or structural integrity. Therefore, the findings of Chapter 9 are not applicable. The project approved under ACDP No. 13-071 was analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD and determined that the project will not increase instability of the site or structural integrity from geologic, flood or any other hazards. If road repairs resulting from damage during construction are required, the nature and location of repairs will be evaluated at that time.

**I. Shoreline and Bluff Development (LIP Chapter 10)**

The project site is not located on or along the shoreline, a coastal bluff or bluff top fronting the shoreline. Therefore, the findings of LIP Chapter 10 are not applicable.

**J. Public Access (LIP Chapter 12)**

The project site is not located along or near the shore, bluff-top or recreational area, and has no trails on or adjacent to it according to the LCP Park Lands Map. Therefore, the findings of LIP Chapter 12 are not applicable.

**K. Land Divisions (LIP Chapter 15)**

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

***Correspondence***

Since the date of submittal, staff has not received correspondence.

***Approval of Administrative Coastal Development Permit Amendment No. 16-006***

Based on the foregoing findings and evidence contained within the record, the Planning Director hereby approves ACDPA No. 16-006, subject to the conditions of approval.

**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 an amendment to ACDP No. 13-071, to add the following condition:

Prior to the issuance of any development permit, the applicant/property owner shall provide a pre-construction assessment of the existing condition of the private roads providing construction access to the subject parcel. A copy of this assessment shall be kept on file with the City. The applicant/property owner shall be responsible for repairs of any damage to the roads that may result during the construction phase of the proposed project as determined by the Building Official. Any obvious damage to the road that becomes apparent during the construction phase (including, but not limited to, pot holes, cracks and ripples) shall be immediately repaired by the applicants/property owner. Prior to a Planning Department final inspection, the applicant/property owner shall submit a post-construction assessment of the road to demonstrate compliance with this condition. A photo survey shall be utilized to complete this assessment.
  
3. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner(s) sign, 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 10 working days of receipt of this signed decision and prior to issuance of any development permits.
  
4. Pursuant to LIP Section 13.20, development pursuant to an approved ACDPA shall not commence until the ACDPA is effective. The ACDPA is not effective until all appeals have been exhausted.
  
5. This ACDPA and signed Acceptance of Conditions Affidavit shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check pursuant to ACDP No. 13-071.
  
6. This ACDPA does not extend the expiration date of ACDP No. 13-071, and it shall be expire when ACDP No. 13-071 expires.
  
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 structures shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Geotechnical Staff, City Environmental Health Administrator, City Biologist, City Public Works Department, WD29 and the LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.
9. This permit shall not become effective until the project is reported to the Planning Commission and the Planning Commission requests that the ACDPA becomes effective pursuant to LIP Section 13.13.6.
10. All conditions of approval in ACDP No. 13-071 remain in full force and effect. In the event of conflicting provisions, the more restrictive shall apply

#### **Fixed Conditions**

11. This ACDPA shall run with the land and bind all future owners of the property.
12. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

#### **Appeals and Reporting**

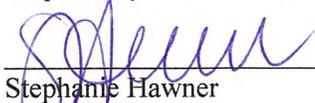
LOCAL APPEAL – Pursuant to LIP Section 13.20.1 (Local Appeals), a decision of the Planning Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. The appeal period expires on **October 21, 2016 at 4:30 p.m.** An appeal shall be filed with the City Clerk and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms may be found online at [www.malibucity.org](http://www.malibucity.org), in person at City Hall, or by calling (310) 456-2489, extension 245.

REPORTING – Pursuant to LIP Section 13.13.6, this permit shall be reported to the Planning Commission and is tentatively scheduled to be reported at the **October 17, 2016** Regular Planning Commission meeting. Copies of this report will be available at the meeting and to all those wishing to receive such notification by contacting the Case Planner. This permit will not become effective until completion of the Planning Commission review of the permit pursuant to California Code of Regulations Section 13153.

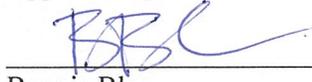
Please contact Stephanie Hawner in the Planning Department at (310) 456-2489, extension 276, for further information. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours.

Date: October 11, 2016

Prepared by:

  
Stephanie Hawner  
Senior Planner

Approved by:

  
Bonnie Blue  
Planning Director

Attachments:

1. Correspondence
2. Notices

*All reports referenced are available for review at City Hall.*



## Kathleen Stecko

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**From:** Stephanie Hawner  
**Sent:** Tuesday, September 06, 2016 7:13 PM  
**To:** Jonathan Kaye  
**Cc:** Bonnie Blue; Reva Feldman; Reva Feldman; Kathleen Stecko  
**Subject:** RE: 6075 Murphy Way

RECEIVED  
SEP - 6 2016  
PLANNING DEPT.

Jonathan,

I spoke with the applicant and they have no objection with accepting a condition concerning repairs to the road resulting from construction. Because the project was already approved by the Planning Director, the Planning Commission cannot add the condition. Instead, we will be processing an administrative permit amendment to incorporate the condition into the approval. I will be putting the report together this week. I have specifically submitted your information as an interested party on this application and you will be notified of the amendment. In addition, please note that concerning the HVAC equipment. The equipment is ground mounted and will not be placed on the roof.

Please let me know if you have any further questions or comments.

Regards,  
Stephanie

Stephanie Hawner | Senior Planner | City of Malibu | (310) 456-2489 ext. 276

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**From:** Jonathan Kaye [mailto:jonathan@kayo.com]  
**Sent:** Tuesday, September 6, 2016 5:53 PM  
**To:** Stephanie Hawner <SHawner@malibucity.org>  
**Cc:** Bonnie Blue <BBlue@malibucity.org>; Reva Feldman <rfeldman@ci.malibu.ca.us>; Reva Feldman <RFeldman@malibucity.org>  
**Subject:** Re: 6075 Murphy Way

Stephanie,

Does the Commission not have any say over the development at this part of the process? Can they not make any changes or an addendum? If yes, I would like them to see this request. If not, could this comment go into the record?

What do we have to do to get notice of actions that effect our neighborhood? It doesn't help to find out after the fact. If the planning department would come out and see the terrible condition of our streets due to speculative development they might not be in a hurry to approve every variance that comes along. The Water District has sole responsibility for the maintenance of our streets and they are doing a disservice to our residents and to the City by their terrible effort.

Please don't let anything else get through without these crucial conditions.

Thanks, Jonathan

Sent from Jonathan Kaye on my iPhone gizmo at (310) 806-6766

On Sep 6, 2016, at 5:27 PM, Stephanie Hawner <SHawner@malibucity.org> wrote:

Mr. Kaye,

Thank you for your email and comments. The project you reference, 6075 Murphy Way, was approved by the Planning Director on August 30, 2016. The Planning Director's approval is being reported to the Planning Commission this evening.

Regards,  
Stephanie  
Stephanie Hawner | Senior Planner | City of Malibu | (310) 456-2489 ext. 276

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**From:** Jonathan Kaye [redacted]  
**Sent:** Tuesday, September 6, 2016 2:46 PM  
**To:** Stephanie Hawner <SHawner@malibucity.org>  
**Cc:** Bonnie Blue <BBlue@malibucity.org>  
**Subject:** 6075 Murphy Way

Stephanie,

My name is Jonathan Kaye and I'm the President of the Winding Way – Murphy Way Home and Landowners Association. I'm sorry to do this at the last minute, but I just received notification over the weekend and this is a very important issue for our Neighborhood Association. Plus, I've covered these issues two previous times with the Malibu Planning Department and have been told that no development would take place in our private community without it.

Because Murphy Way is a private street, we insist that the developer for this project take and submit pictures to our Neighborhood Association before and after construction of the private road leading up to the development and make any repairs or fix any damage caused by construction. These roads include – Winding Way, West Winding Way, Murphy Way, Porterdale Drive and Delaplane Road.

In addition, because of the flat roof on this development, we must also insist that no air-conditioning equipment be located on the roof. None of the residents living above this development want to look at any industrial equipment. The slope here would also prohibit the use of any screening on the roof to try and block any air-conditioning equipment.

Please make sure that all of these conditions are written into the CDP (Coastal Development Permit) for this development and all future developments in our Neighborhood Association.

Sincerely,  
Jonathan Kaye

Jonathan Kaye, President  
Winding Way - Murphy Way Home and Landowners Association  
PO Box 2883  
Malibu, California 90265

[redacted]  
[redacted]

Administrative Coastal Development Permit No. 13-071  
Site Plan Review Nos. 13-066 and 13-067  
Location: 6075 Murphy Way, not within the appealable coastal zone  
APN: 4467-004-013  
Owner: Daniel Thompson  
Case Planner: Senior Planner Stephanie Hawner, 456-2489 ext. 276

Notice Continued...

**PUBLIC COMMENT PERIOD** — Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Department at any time prior to the issuance of a decision. Anyone with concerns or questions about the application is urged to contact the case planner prior to the decision date. Contact Stephanie Hawner at shawner@malibucity.org, by phone at (310) 456-2489 extension 276, or by mail as indicated on the front of this notice.

**NOTICE OF DECISION** — On or after **October 11, 2016**, the Planning Director may issue a decision on the permit application. A Notice of Decision will be mailed to owners and residents within 1000 feet of the perimeter of the subject property and to those who request such notification in writing prior to issuance of the decision.

**LOCAL APPEAL** — Pursuant to Local Coastal Program Local Implementation Plan Section 13.20.1 (Local Appeals), a decision or any portion of the decision made by the Planning Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. Should a decision be issued on **October 11, 2016, the appeal period would expire on Friday, October 21, 2016 at 4:30 p.m.** An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms), in person at City Hall, or by calling (310) 456-2489, ext. 245.

**REPORTING** — The Planning Director's decision on this permit application is tentatively scheduled to be reported to the Planning Commission at its regular meeting on **October 17, 2016**. Copies of the agenda report, including the approved or denied permit, will be available at the meeting and also provided to all those persons wishing to receive such notification. An approved permit shall not become effective until completion of the Planning Commission reporting.

If there are any questions regarding this notice, please contact Stephanie Hawner, Senior Planner, at (310) 456-2489 extension 265.

**Date:** September 15, 2016

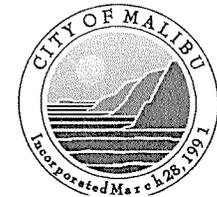
**By:** Bonnie Blue  
Planning Director

ATTACHMENT 2

# Notice of Application



City of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265



**City of Malibu**  
23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2489 Fax (310) 456-7650  
[www.malibucity.org](http://www.malibucity.org)

## NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

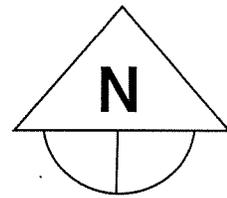
**ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 16-006** - An application to amend Administrative Coastal Development Permit No. 13-071 to add a condition regarding road repair resulting from construction damage

LOCATION:	6075 Murphy Way, not within the appealable coastal zone
APN:	4467-004-013
ZONING:	Rural Residential-Ten Acre (RR-10)
APPLICANT:	Vitus Matare
OWNER:	Daniel Thompson
APPLICATION FILED:	September 7, 2016
CASE PLANNER:	Stephanie Hawner Senior Planner (310) 456-2489 ext. 276 <a href="mailto:shawner@malibucity.org">shawner@malibucity.org</a>

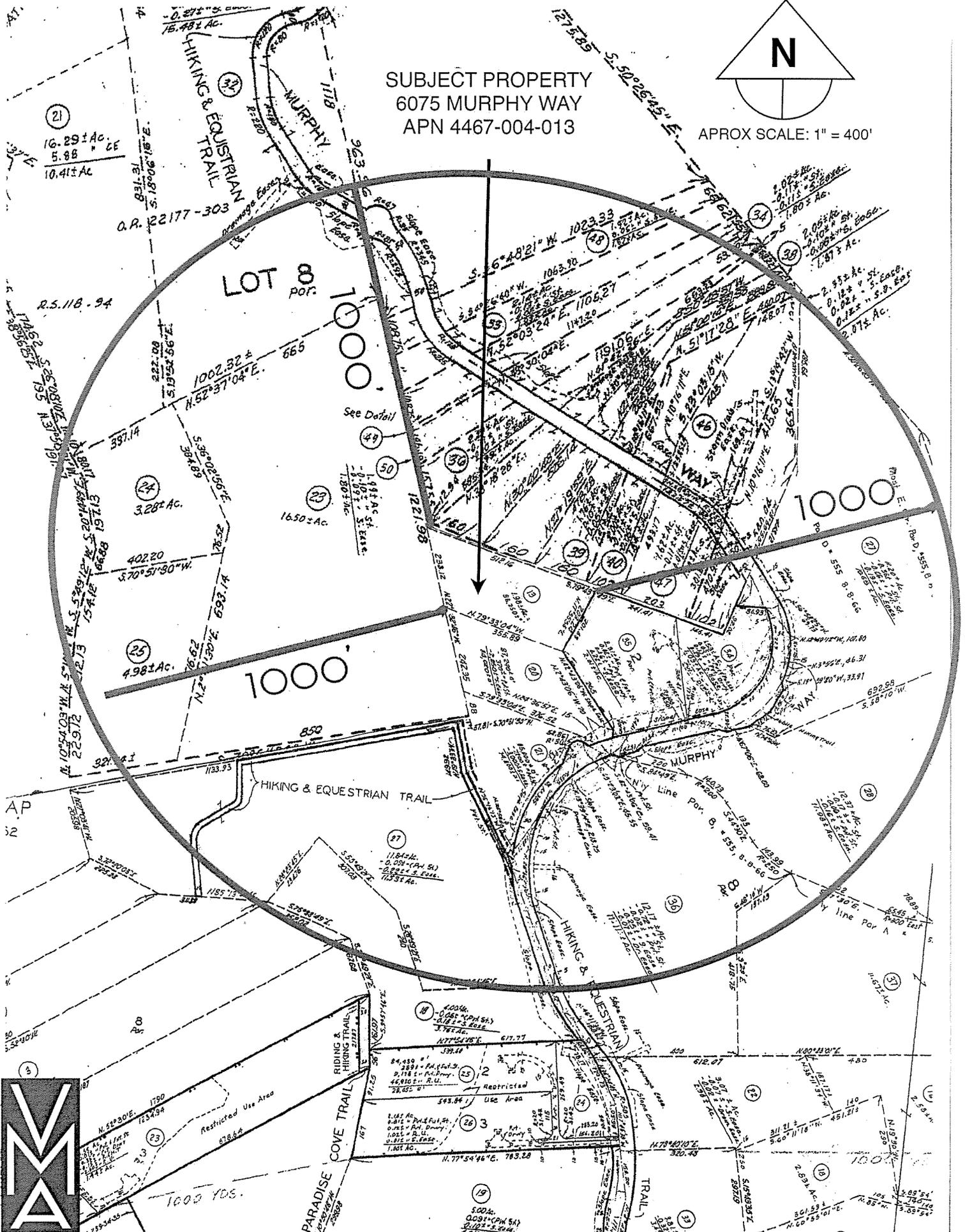
Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA Guidelines Section 15303(a) — New Construction. 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).



SUBJECT PROPERTY  
6075 MURPHY WAY  
APN 4467-004-013



APROX SCALE: 1" = 400'



Notice continued...

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 Guidelines Section 15303(a) – New Construction. 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).

**REPORTING** — Pursuant to LIP Section 13.13.6, this permit shall be reported to the Planning Commission and is tentatively scheduled to be reported at the **October 17, 2016** Planning Commission Meeting. Copies of this report will be available at the meeting and to all those wishing to receive such notification by contacting the Case Planner. This permit will not become effective until completion of the Planning Commission review of the permit pursuant to the California Code of Regulations Section 13153.

Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours.

**LOCAL APPEAL** - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals), a decision or any portion of the decision of the Planning Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. The appeal period expires on **October 21, 2016 at 4:30 p.m.** The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms) or in person at City Hall, or by calling (310) 456-2489, ext. 245.

If there are any questions regarding this notice, please contact Stephanie Hawner, Senior Planner, at (310) 456-2489, extension 276.

**Date:** October 6, 2016

**By:** Bonnie Blue  
Planning Director



**City Of Malibu**  
**23825 Stuart Ranch Road**  
**Malibu, CA 90265**



## PLANNING DEPARTMENT

### City of Malibu

23825 Stuart Ranch Road  
Malibu, CA 90265

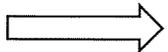
Phone (310) 456-2489 · Fax (310) 456-7650

## NOTICE OF DECISION

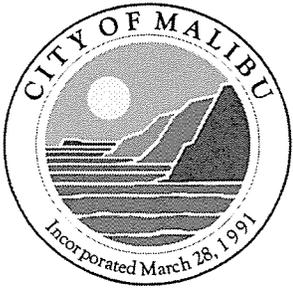
NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for an Administrative Coastal Development Permit Amendment as described below:

**ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 16-006** - An application to amend Administrative Coastal Development Permit No. 13-071 to add a condition regarding road repair resulting from construction damage

LOCATION:	6075 Murphy Way, not within the appealable coastal zone
APN:	4467-004-013
ZONING:	Rural Residential-Ten Acre (RR-10)
APPLICANT:	Vitus Matare
OWNER:	Daniel Thompson
APPLICATION FILED:	September 7, 2016
ISSUE DATE:	October 11, 2016
CASE PLANNER:	Stephanie Hawner Senior Planner <a href="mailto:shawner@malibucity.org">shawner@malibucity.org</a> (310) 456-2489, ext. 276







# Commission Agenda Report

To: Chair Mazza and Members of the Planning Commission

Prepared by: Adrian Fernandez, Senior Planner *A.F.*

Approved by: Bonnie Blue, Planning Director *BB*

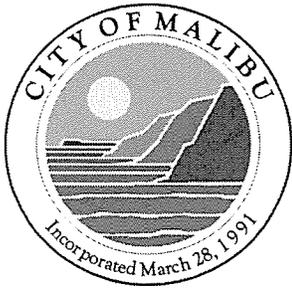
Date prepared: October 6, 2016 Meeting date: October 17, 2016

Subject: Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 – An application for the installation of a new wireless telecommunications facility within the public right-of-way (Continued from September 19, 2016)

Location: 29970.5 Harvester Road  
Nearest APN: 4469-013-021  
Owner: City of Malibu Public Right-of-Way  
Applicant: Carver Chiu of Crown Castle NG West, Inc.

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This item will be distributed under separate cover.



# Supplemental Commission Agenda Report

To: Chair Mazza and Members of the Planning Commission

Prepared by: Adrian Fernandez, Senior Planner *af*

Approved by: Bonnie Blue, Planning Director *BBS*

Date prepared: October 10, 2016 Meeting date: October 17, 2016

Subject: Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 – An application for the installation of a new wireless telecommunications facility within the public right-of-way (Continued from September 19, 2016)

Location: 29970.5 Harvester Road  
Nearest APN: 4469-013-021  
Owner: City of Malibu Public Right-of-Way  
Applicant: Carver Chiu of Crown Castle NG West, Inc.

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 16-59 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Wireless Telecommunications Facility (WTF) No. 16-001 and Site Plan Review (SPR) No. 16-026 to allow the installation of a new wireless telecommunications facility, including a new antenna attached to an existing 34-foot tall utility pole at a height of 38 feet, 8 inches and electrical support equipment in a new underground vault with two above ground vents, located in the public right-of-way at 29970.5 Harvester Road (Crown Castle NG West, Inc.).

**DISCUSSION:**

**Project History**

On August 1, 2013, Crown Castle applied for WTF No. 13-007 and SPR No. 13-035 to install a wireless telecommunications facility at 29970.5 Harvester Road.

On November 5, 2013, the Planning Department issued a Notice of Decision approving the application.

The proposed project included installation of a 2 foot tall by 7.5 inch diameter omnidirectional antenna ["antenna"] attached to a 28 foot, 8 inch tall utility pole at the same height. It also included installation of electrical support equipment ["support equipment"] attached to the same pole at a height of no less than 8 feet above adjacent grade as follows: a 3 foot, 11 inch tall by 9 inch deep equipment shroud ["equipment shroud"]; and a 1 foot wide by 1 foot tall by 6 inch deep WTR Fuse Box ["fuse box"]. The antenna and support equipment would be pole-mounted and painted brown to match the wood utility pole. The proposed equipment would provide infrastructure for T-Mobile customers. The pole already housed equipment used by Sprint PCS, with the remainder of their equipment in an underground vault.

There were two other alternatives considered. The first was to place the equipment across the street on a different pole, but the Planning Department determined that would be inconsistent with Malibu Municipal Code (MMC) Section 17.46.060(O), which calls for the proposed facility to be co-located with other existing wireless equipment, in this case, the Sprint PCS equipment. The other alternative was to place the equipment on the ground or in an underground vault. The Planning Department concluded that those alternatives would not be less visually intrusive.

On November 15, 2013, City residents Dana Christiaansen and Robert Kirk Oodian ["appellants"] filed an appeal of the Planning Director's approval. The appeal cited multiple contentions, including that Crown Castle did not establish a significant gap in coverage exists, that Crown Castle was not a wireless carrier, the potential for a decline in property value, aesthetic concerns, and failure to comply with the MMC.

In response to the appeal, the Planning Department prepared a Commission Agenda Report and the Planning Commission deliberated on the appeal on September 2, 2014. The Commission Agenda Report recommended that the appeal be denied and project approved. The vote on whether to uphold or deny the appeal was split, resulting in the reinstatement of the Planning Director's approval of the application.

The appellants filed a second appeal of this decision. The appeal raised similar concerns as the first appeal, and added claims that Crown Castle did not provide adequate pole loading capacity calculations and the project would violate the MMC by exceeding the applicable noise threshold. The Council Agenda Report written in response to this appeal recommended that the City Council deny the

appeal. The Council Agenda Report stated, among other things, that the applicant's structural calculations state that, with the antenna and proposed equipment, the pole complies with its structural capacity, that Crown Castle submitted propagation maps showing a small area representing poor signal immediately around the proposed facility, that the proposed project was designed to minimize visual impacts, and that the applicant's noise report concluded that the combined noise with the existing Sprint PCS facility would not exceed the noise limit of 50 decibels.

The City Council held its first deliberation on April 13, 2015, in which testimony was heard from the appellants, City residents, and representatives of Crown Castle. One of the appellants testified that promotional materials on Crown Castle's website, made using data from actual customers, demonstrated that there was no gap in coverage in the area surrounding the proposed site. A representative from Crown Castle testified and distinguished marketing materials, which showed coverage in the area, from its study of the gap in coverage. A resident testified that engineering reports demonstrated that Crown Castle's pole loading capacity calculations were erroneous. The same resident, an audio engineer, testified that his measurements of Sprint's existing equipment combined with existing equipment from another Crown Castle site would exceed the applicable noise threshold. At the conclusion of the testimony, the City Attorney advised the City Council to continue the hearing to allow Crown Castle to investigate the engineering of the pole loading capacity calculations. The City Council continued the hearing to receive more information from Crown Castle regarding whether the equipment could be undergrounded, whether the pole loading capacity calculations were correct, and whether the project would exceed noise limits.

Crown Castle submitted additional information that was included in the May 21, 2015 Council Agenda Report. In this report, staff again recommended that City Council deny the appeal. Crown Castle had reported to City staff that they met with the appellants who adamantly opposed a separate vault alternative. The report recommended mounting the equipment onto the utility pole as the least visually intrusive alternative. The other alternatives including installing a new underground vault that would displace existing groundcover or placing the equipment above ground with a taller equipment shroud. The alternatives would be visible from the road and also displace groundcover. The report stated that the existing Sprint PCS facility was at capacity and could not be shared with the Crown Castle proposed facility. Crown Castle provided structural analysis concluding that the pole could support the equipment, and also agreed to replace the pole if requested to add further stability to address safety concerns. The report stated that evidence submitted by Crown Castle concluded that the

combined noise levels of the existing Sprint PCS facility and the proposed facility would not exceed the noise limit of 50 decibels.

The City Council held a second hearing on June 8, 2015. At the conclusion of the public hearing, including presentations on the sound issue from a resident and Crown Castle, the City Council directed staff to prepare a resolution upholding the appeal.

On July 13, 2015, the City Council adopted Resolution No. 15-21, upholding Appeal No. 14-008, in which the Council found: 1) the project and its alternatives were not compatible with other development in the adjacent area in relation to size, bulk and height; and 2) the project was inconsistent with the City's general plan, Local Coastal Program (LCP), MMC, and City standards. The Resolution cites evidence from the June 8, 2015, City Council meeting showing that the proposed equipment would exceed the allowable limit of 50 decibels.

On August 11, 2015, Crown Castle filed a Petition for Writ of Mandate and Complaint ("Complaint") in federal court against the City and City Council. The Complaint alleges four causes of action: 1) Unlawful Prohibition of Services pursuant to the Telecommunications Act; 2) Lack of Substantial Evidence pursuant to the Telecommunications Act; 3) violation of the Spectrum Act; and 4) Federal Preemption. The lawsuit seeks declaratory and injunctive relief.

On March 28, 2016, the City and Crown Castle participated in mediation in federal court in an attempt to resolve the litigation. The parties agreed to a conditional settlement. The settlement puts a "stay" on the litigation, until November 7, 2016. During that time period, the parties agreed that Crown Castle will submit a new site plan review application with a revised project. If the City approves the permit application, Crown Castle will dismiss the lawsuit against the City.

On June 20, 2016, the Planning Commission continued the item at the request of the applicant to allow the applicant additional time to resolve potential Southern California Edison (SCE) siting clearances between the proposed antenna and existing pole cables. It was also discovered that SCE had replaced the 28 foot, 8 inch tall pole with a new 34-foot tall pole and the project plans did not reflect the new pole information. Since then, the applicant has been working to revise the plans and resolve any conflicts with SCE requirements. The litigation has been stayed further to allow additional time. After additional continuances, the item is now scheduled to be heard on October 17, 2016.

The applicant has now provided revised plans and Authorizations for Joint Pole Transactions (JPA) from SCE and Sprint PCS. The new plans propose to install the proposed antenna at the top of the existing pole.

### THE SPECTRUM ACT

As part of the conditional settlement, the City and Crown Castle agreed to process Crown Castle's new application as an "eligible facilities request" ("EFR") under the Spectrum Act, Section 6409, if it met the conditions. The pertinent language of the Act reads as follows: "a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." 47 United States Code (U.S.C.) § 1455(a).

The Spectrum Act defines an EFR as a request to collocate, remove or replace transmission equipment on an existing wireless tower or base station. Federal Communications Commission (FCC) regulations define "collocation" as "the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes." The term "transmission equipment" encompasses almost all equipment found at facilities that transmit communication signals over air. Relevant here, the term "base station" means non-tower structure at a fixed location and the permitted or approved associated transmission equipment that enables FCC-licensed or authorized wireless communications between user equipment and a communications network.

The Spectrum Act does not define what constitutes a substantial change in the dimensions of the base station. However, the FCC has adopted a Report and Order detailing the substantial change requirements as follows: (1) the facility increases the height of the tower by more than 10 percent or 10 feet, whichever is greater; (2) if on a public right-of-way, the equipment protrudes from the edge of the structure by more than 6 feet; (3) the project requires installation of more than the standard number of new equipment, but not to exceed four cabinets; (4) the project requires excavation or deployment outside the current site of the base station; (5) the facility would defeat the existing concealment elements of the base station; and (6) it does not comply with the conditions associated with prior approval of the base station, unless the non-compliance is due to an increase in height, width, addition of cabinets, or new excavation. These are the only factors that can be considered on the issue of substantial change.

## **Project Overview**

The issue before the Planning Commission is whether to adopt Planning Commission Resolution No. 16-56 approving WTF No. 16-001 and SPR No. 16-026 for the installation of a new wireless telecommunications facility in the City of Malibu public right-of-way. Requests for the installation of wireless telecommunications facilities in the public right-of-way are typically decided by the Planning Director. However, given the time constraints set forth in the settlement, the Planning Director chose to defer the decision for this project to the Planning Commission.

## **Project Description**

Crown Castle submitted the subject application to provide wireless coverage for T-Mobile subscribers. The proposed project includes the installation of a new antenna attached to the top of an existing utility pole and support equipment in a new underground vault in the public right-of-way (Attachment 2 – Project Plans). The proposed scope of work includes:

- Installation of a new 2 foot tall by 7.5 inch diameter omnidirectional antenna attached to the top of an existing 34-foot tall utility pole at a height of 38 feet, 8 inches; and
- Installation of electrical support equipment in a new underground vault. The vault consists of a 3 foot, 9 inch wide by 5 foot, 9 inch long by 3 foot deep structure fully below existing grade, except for two vents with a maximum height of 2 feet, 6 inches and with a diameter of 1 foot.

A visual simulation of the proposed project is provided herein as Attachment 3.

## **Spectrum Act Compliance Analysis**

As discussed above, the Spectrum Act defines an EFR as a request to collocate equipment on an existing wireless tower or base station. Here, the proposed project meets the criteria for collocation under the Spectrum Act because it will place equipment on a base station that already houses Sprint PCS equipment.

The next criteria in evaluating whether the proposed project qualifies as an EFR is whether it will substantially change the dimensions of the tower or base station, as defined in Report and Order adopted by the FCC. The following are the only criteria that can be considered on the issue of substantial change:

1. *The facility increases the height of the tower by more than 10 percent or 10 feet, whichever is greater;*

The proposed facility will be mounted on an existing 34-foot tall utility pole at a height of 38 feet, 8 inches. The height of the proposed antenna will not increase the height of the existing tower by more than 10 feet. The height of the original tower was 28 feet, 8 inches and the height of the proposed antenna is 38 feet, 8 inches.

2. *If on a public right-of-way, the proposal involves an appurtenance that protrudes from the edge of the structure by more than six feet;*

The proposed facility is on a public right-of-way and does not include any new appurtenances from the support structure that would protrude more than six feet from the edge of the existing utility pole. The only new appurtenance would be the cross arm for the antenna, which would be mounted in an off-center position on the pole. The cross arm itself does not exceed six feet in length and therefore would not protrude from the structure more than six feet.

3. *The project requires installation of more than the standard number of new equipment, but not to exceed four cabinets;*

The proposed support equipment will not require the installation of more than four cabinets, and this equipment will be installed inside a new underground vault.

4. *The project requires excavation or deployment outside the current site of the base station. The FCC defines "site" as "that area in proximity to the structure and to any other transmission equipment already deployed on the ground";*

The proposed facility includes a new antenna attached to an existing utility pole and support equipment in a new underground vault. The proposed facility will not require any excavation or deployment outside the current site of the base station because the new underground vault is part of the current site of the base station.

5. *The facility would defeat the existing concealment elements of the base station;*

The proposed facility will not defeat the existing concealment efforts of the base station. The proposed antenna will be pole-mounted and the support

equipment will be placed in a new underground vault and will be painted to blend with its surroundings for concealment similar to the already existing Sprint PCS facility. The permittee is also conditioned to replace any shrubs or bushes displaced by the proposed project around proposed underground vault to maintain the concealment provided by the existing landscaping for the above-ground vents.

6. *It does not comply with the conditions associated with prior approval of the base station, unless the non-compliance is due to an increase in height, width, addition of cabinets, or new excavation.*

The proposed facility complies with the conditions associated with prior approval of the base station. There are no conditions in Planning Commission Resolution No. 03-14 that approved the Sprint PCS wireless facility that would conflict with the proposed project.

### **Spectrum Act Findings**

The proposed facility shall be approved because it meets the conditions of an EFR under the Spectrum Act. 47 U.S.C. § 1455(a). The proposed facility will be collocated and will not substantially change the dimensions of the tower or base station.

### **MMC Compliance Analysis**

MMC Chapter 17.46 lists regulations for wireless telecommunications facilities. As proposed, WTF No. 16-001 requires the approval of SPR No. 16-026 if the proposed project meets the general requirements and most restrictive design criteria set forth in MMC Sections 17.46.060 and 17.46.070 (MMC Section 17.46.020).

#### General Requirements (MMC Section 17.46.060)

Consistent with MMC Sections 17.46.60(B), (C) and (K), the proposed wireless telecommunications facility complies with maximum permitted exposure limits promulgated by the FCC. In accordance with MMC Sections 17.46.60(H), (I), (K) and (O), the antenna is mounted on an existing utility pole, co-located with Sprint PCS, and the equipment will be placed in a new underground vault.

Pursuant to the Spectrum Act, Section 6409, the City may not deny a collocation request for a modification of an existing wireless tower or base station provided that the overall height increase does not exceed 10 feet. The original pole height was 28 feet, 8 inches in height, has since been replaced by SCE with a new pole

that is approximately five feet higher. The new antenna will be mounted atop the existing pole and is subject to a maximum height of 38 feet, 8 inches to qualify as a less than substantial modification. Although the new antenna will exceed the height of the existing utility pole which is in conflict with MMC Section 17.46.060(J), a variance is not required because the City is preempted by federal law as described previously and does not have discretion to bar a wireless facility request that qualifies as an eligible facility request. The project plans in Attachment 2 also demonstrate compliance with SCE vertical spacing requirements.

#### Most Restrictive Design Criteria (MMC Section 17.46.070)

Pursuant to MMC Sections 17.46.070(C), (D) and (J), wireless telecommunications facilities are required to be designed to minimize visual impacts to the greatest extent feasible by means of placement, screening, camouflaging, painting and texture. The proposed antenna is sited and mounted in conformance with MMC Sections 17.46.110 and 17.46.120 which encourage the use of existing utility poles and co-location. Consistent with these requirements, the proposed antenna is conditioned to be painted brown to match the color of the existing utility pole and the latch and vents of the underground vault are conditioned to be painted a dark green to match surrounding landscaping. The permittee is also conditioned to replace any shrubs or bushes displaced by the proposed project around the proposed underground vault to maintain the concealment provided by the existing landscaping for the above-ground vents.

Thus, the applicant has provided the required documentation to establish that this low power wireless facility will operate in full compliance with all applicable local, state and federal regulations for the approval of the proposed project.

#### **MMC Findings**

##### ***Site Plan Review for erecting a wireless telecommunications in the public right-of-way [MMC Section 17.62.040(D)]***

SPR No. 16-026 is requested to allow the installation of a wireless telecommunications facility in the public right-of-way. Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for erecting a wireless telecommunications facility in the public right-of-way. The Planning Commission hereby makes the required findings as indicated below:

1. *The project is compatible with other development in the adjacent area in relation to size, bulk and height.*

The new antenna will be mounted atop an existing utility pole at a height not to exceed 38 feet, 8 inches. Pursuant to MMC Section 17.46.060(l), the proposed electrical support equipment will be located in a new underground vault with two above ground vents. The new antenna will be painted a dark brown color to match the existing pole and support equipment will be painted a dark green to match the surrounding landscaping. Therefore, the proposed project is compatible in size, bulk, and height to other development in the adjacent area.

2. *The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.*

The project proposes the installation of a new wireless telecommunications antenna mounted atop an existing utility pole and support equipment in a new underground vault within the disturbed public right-of-way. The proposed project will not have a significant adverse impact on natural resources.

3. *Remedial Grading (if applicable) exceeding five thousand (5,000) cubic yards is necessary to mitigate a geotechnical hazard as identified in a certified geotechnical report prepared by a California Licensed Geologist and reviewed and approved by the City Geologist. The remedial grading will not result in a significant adverse impact on visual or biological resources.*

No remedial grading is proposed as part of the proposed project. Therefore, this finding does not apply.

4. *The project does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).*

On September 13, 2013, staff conducted a primary view determination for the residence located at 29979 Harvester Road. Based on the primary view determination, the proposed antenna will be mounted on a utility pole in front of an existing large tree. Given the small size of the proposed antenna and limited blue sky views through the existing large tree, the

proposed antenna will have a less than significant impact on sky views from the chosen primary view location. Furthermore, sky views are not considered impressive scenes. The proposed antenna and support equipment does not appear to be in the line-of-sight of any residence's view of impressive scenes of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from main viewing area of the surrounding residences.

5. *The project does not affect solar access, as defined by staff.*

The new antenna and electrical support equipment will cast a negligible shadow; therefore, less than significant adverse effects related to solar access is expected.

6. *The project is consistent with the City's General Plan, Local Coastal Program, Municipal Code and City standards.*

The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan and LCP. Wireless telecommunications facilities are permitted in the public right-of-way with a site plan review, provided such facilities comply with the general requirements set forth in MMC Section 17.46.060 and the most restrictive design standards set forth in MMC Section 17.46.070. Subject to the conditions of approval, the proposed project complies with these standards.

7. *The proposed project complies with all applicable requirements of state and local law.*

The proposed project will comply with all applicable requirements of State and local law as required under MMC Section 17.46.060, including but not limited to, provisions of the Uniform Building Code, National Electrical Code, and Uniform Fire Code. The proposed project is also required to comply with all applicable regulations and standards promulgated or imposed by any State or Federal agency, including the FCC and California Public Utilities Commission.

8. *A sea wall, bulkhead or other shoreline protective device (if applicable) is necessary to protect an existing structure and/or an existing or new sewage disposal system as identified in a certified coastal engineering report prepared by a California licensed engineer and reviewed and approved by the City's coastal engineer.*

No sea wall, bulkhead, or other shoreline protection devices are associated with the proposed project. Therefore, this finding does not apply.

### **Additional Findings**

1. Projects covered under 47 U.S.C. § 1455(a) must be compliant with all generally applicable laws related to public health and safety. The Planning Commission finds that both California Public Utilities Commission General Order 95 and MMC Chapter 8.24 contain generally applicable rules related to public health and safety. Accordingly, the Planning Commission conditions its approval on the applicant's demonstration to the Public Works Department that the project will be compliant with all generally applicable laws, regulations and other rules related to public health and safety, including without limitation all applicable provisions in California Public Utilities Commission General Order 95 and MMC Chapter 8.24, and the applicant may not commence construction until and unless the Public Works Department is satisfied that the project will be compliant.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Director has analyzed the proposal as described above. 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 project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15303(d) - new construction of small structures. The Planning Director 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).

PUBLIC CORRESPONDENCE: To date, staff has received inquiries from neighbors but no written public comments have been received regarding this project.

PUBLIC NOTICE: On May 26, 2016, a notice of 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 project site and to all interested parties (Attachment 4).

SUMMARY: The required findings can be made that the project complies with the 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, staff recommends approval of this project subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning

Commission Resolution No. 16-59. The project has been reviewed and conditionally approved for conformance with the MMC by the Planning Department.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-59
2. Project Plans
3. Visual Simulation
4. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 16-59

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 WIRELESS TELECOMMUNICATIONS FACILITY NO. 16-001 AND SITE PLAN REVIEW NO. 16-026 TO ALLOW THE INSTALLATION OF A NEW WIRELESS TELECOMMUNICATIONS FACILITY, INCLUDING A NEW ANTENNA ATTACHED TO AN EXISTING 34-FOOT TALL UTILITY POLE AT A HEIGHT OF 38 FEET, 8 INCHES AND ELECTRICAL SUPPORT EQUIPMENT IN A NEW UNDERGROUND VAULT WITH TWO ABOVE GROUND VENTS, LOCATED IN THE PUBLIC RIGHT-OF-WAY AT 29970.5 HARVESTER ROAD (CROWN CASTLE NG WEST, INC.)

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

SECTION 1. Recitals.

A. On July 13, 2015, the City Council adopted Resolution No.15-21, upholding Appeal No. 14-008 and denying Wireless Telecommunications Facility (WTF) No. 13-007 and Site Plan Review (SPR) No. 13-035 for an installation of a new antenna and electrical support equipment attached to an existing utility pole.

B. During the ensuing months, the applicant has been in litigation with the City. As part of a conditional settlement agreement, the applicant agreed to submit a new application.

C. On May 5, 2016, a new application for WTF No. 16-001 and SPR No. 16-026 was submitted by the applicant, Carver Chiu of Crown Castle NG West, Inc., on behalf of the carrier T-Mobile for installation of a new antenna attached to an existing utility pole and electrical support equipment in a new underground vault.

D. On May 26, 2016, 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 project site and to all interested parties.

E. On June 1, 2016, the application was deemed complete.

F. On June 20, 2016, the Planning Commission continued the item to the July 18, 2016 Regular Planning Commission meeting to allow the applicant additional time to resolve potential Southern California Edison (SCE) siting clearances between the proposed antenna and existing pole cables.

G. On July 18, 2016, the Planning Commission continued the item to the August 15, 2016 Regular Planning Commission meeting.

H. On August 15, 2016, the Planning Commission continued the item to the September 6, 2016 Regular Planning Commission meeting.

I. On September 6, 2016, the Planning Commission continued the item to the September 19, 2016 Regular Planning Commission meeting.

J. On September 19, 2016, the Planning Commission continued the item to the October 17, 2016 Regular Planning Commission meeting.

K. On October 17, 2016, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda 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 proposal as described above. 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. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15303(d) - new construction of small structures. 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. Wireless Telecommunications Facility Permit Findings.

Based on substantial evidence contained within the record and pursuant to Malibu Municipal Code (MMC) Chapter 17.46, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below for WTF No. 16-001 and SPR No. 16-026 to allow the installation of a new wireless telecommunications facility including a new antenna attached to an existing 34-foot tall utility pole at a height of 38 feet, 8 inches and electrical support equipment in a new underground vault with two above ground vents, located in the public right-of-way at 29970.5 Harvester Road, subject to the conditions in Section 5 of this resolution.

The proposed project has been reviewed and approved by the Planning Department. The project is consistent with all applicable MMC codes, standards, goals and policies. The Planning Commission hereby makes the following findings of fact as required by the MMC.

#### *General Requirements (MMC Section 17.46.060)*

Consistent with MMC Sections 17.46.60(B), (C) and (K), the proposed wireless telecommunications facility complies with maximum permitted exposure limits promulgated by the Federal Communications Commission (FCC). In accordance with MMC Sections 17.46.60(H), (I), (K) and (O), the antenna is mounted on an existing utility pole, co-located with Sprint PCS, and the equipment will be placed in a new underground vault.

Pursuant to the Spectrum Act, Section 6409, the City may not deny a collocation request for a modification of an existing wireless tower or base station due to the antenna's height when the overall height increase does not exceed 10 feet. The original pole height was 28 feet, 8 inches in height, has since been replaced by SCE with a new pole that is approximately five feet higher. The

new antenna will be mounted atop the existing pole and is subject to a maximum height of 38 feet, 8 inches to qualify as a less than substantial modification. Although the new antenna will exceed the height of the existing utility pole, which is in conflict with MMC Section 17.46.060(J), a variance is not required because the City is preempted by federal law and does not have discretion to bar a wireless facility request that qualifies as an eligible facility request.

*Most Restrictive Design Criteria (MMC Section 17.46.070)*

Pursuant to MMC Sections 17.46.070(C), (D) and (J), wireless telecommunications facilities are required to be designed to minimize visual impacts to the greatest extent feasible by means of placement, screening, camouflaging, painting and texture. The proposed antenna is sited and mounted in conformance with MMC Sections 17.46.110 and 17.46.120 which encourage the use of existing utility poles and co-location. Consistent with these requirements, the proposed antenna, is conditioned to be painted brown to match the color of the existing utility pole and the latch and vents of the underground vault a dark green to match surrounding landscaping. The permittee is also conditioned to replace any shrubs or bushes displaced by the proposed project around the proposed underground vault to maintain the concealment provided by the existing landscaping for the above-ground vents.

***Site Plan Review for erecting a wireless telecommunications in the public right-of-way [MMC Section 17.62.040(D)]***

SPR No. 16-026 will allow the installation of a wireless telecommunications facility in the public right-of-way. Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for erecting a wireless telecommunications facility in the public right-of-way. The Planning Commission hereby makes the required findings as indicated below:

1. Evidence in the record demonstrates that the proposed project is compatible in size, bulk, and height to other development in the adjacent area.
2. Evidence in the record demonstrates that the proposed project will not have a significant adverse impact on natural resources.
3. Evidence in the record demonstrates that the proposed project is not anticipated to obstruct visually impressive scenes of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from main viewing area of the surrounding residences.
4. The new antenna and electrical support equipment will cast a negligible shadow; therefore, less than significant adverse effects related to solar access is expected.
5. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan and Local Coastal Program. Wireless telecommunications facilities are permitted in the public right-of-way with a site plan review, provided such facilities comply with the general requirements set forth in MMC Section 17.46.060 and the most restrictive design standards set forth in MMC Section 17.46.070. Subject to the conditions of approval, the proposed project complies with these standards.

6. The proposed project will comply with all applicable requirements of State and local law as required under MMC Section 17.46.060, including but not limited to, provisions of the Uniform Building Code, National Electrical Code, and Uniform Fire Code. The proposed project is also required to comply with all applicable regulations and standards promulgated or imposed by any State or Federal agency, including the FCC and California Public Utilities Commission.

7. The proposed project meets the criteria of an “eligible facilities request (“EFR”) under the Spectrum Act, Section 6409, because it meets the criteria for collocation and does not substantially change the physical dimensions of the tower or base station. 47 United States Code (U.S.C.) § 1455(a).

8. Projects covered under 47 U.S.C. § 1455(a) must be compliant with all generally applicable laws related to public health and safety. The Planning Commission finds that both California Public Utilities Commission General Order 95 and MMC Chapter 8.24 contain generally applicable rules related to public health and safety. Accordingly, the Planning Commission conditions its approval on the applicant's demonstration to the Public Works Department that the project will be compliant with all generally applicable laws, regulations and other rules related to public health and safety, including without limitation all applicable provisions in California Public Utilities Commission General Order 95 and MMC Chapter 8.24, and the applicant may not commence construction until and unless the Public Works Department is satisfied that the project will be compliant.

#### SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves WTF No. 16-001 and SPR No. 16-026, subject to the conditions set forth herein.

#### SECTION 5. Conditions of Approval.

1. The applicant, 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 the project as follows:
  - a. Installation of a new 2 foot tall by 7.5 inch diameter omnidirectional antenna attached to an existing 34-foot tall utility pole at a height of 38 feet, 8 inches; and
  - b. Installation of electrical support equipment in a new underground vault. The vault consists of 3 foot, 9 inch wide by 5 feet, 9 inch long 3 feet deep structure fully below existing grade, except for two vents with a maximum height of 2 feet, 6 inches and with a diameter of 1 foot.

Subsequent submittals for this project shall be in substantial compliance with the plans date-stamped received by the Planning Department on **October 10, 2016**. The project shall

comply with all conditions of approval stipulated in the referral sheets attached to the agenda report for this project. In the event the project plans conflict with any condition of approval, the condition shall take precedence and revised plans shall be submitted and approved by the Planning Director prior to the Environmental Sustainability Department for plan check.

3. The 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 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.
4. The applicant shall submit three complete sets of plans, including the items requested in Condition No. 5, to the Planning Department for consistency review and approval prior to the issuance of any development permit.
5. This resolution (including the signed and notarized Acceptance of Conditions Affidavit) shall be copied in its entirety and placed directly onto a separate plan sheet(s) to be included in the development plans prior to submitting for a building permit from the City of Malibu Environmental Sustainability Department and the City of Malibu Public Works Department for an encroachment permit.
6. The approved wireless telecommunications facility and site plan review shall expire three years from the date of approval, **October 17, 2019**, unless a time extension has been granted. If no building permit is required, the wireless telecommunications antennas and facilities permit approval shall expire after three years from the date of final planning approval if installation is not completed. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved.
7. The Planning Director may grant up to four one-year extensions of a wireless telecommunication facility and site plan review approval, if the Planning Director finds that the conditions, including but not limited to changes in the zoning ordinance under which the wireless telecommunications antennas and facilities permit approval was issued, have not significantly changed.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All structures shall conform to the requirements of the Environmental Sustainability Department, Public Works Department, FCC and Los Angeles County Fire Department requirements, as applicable. Notwithstanding this review, all required permits, including but not limited to an encroachment permit from the City Public Works Department, shall be secured.
10. 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 MMC. An application with all required materials and fees shall be required.

*Cultural Resources*

11. In the event that potentially important cultural resources are found in the course of geologic testing, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Where, as a result of this evaluation, the Planning Director determines that the project may have an adverse impact on cultural resources, a Phase II Evaluation of cultural resources shall be required pursuant to MMC Section 17.54.040(D)(4)(b).
12. If human bone is discovered, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These procedures require notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Wireless Telecommunications Antennas and Facilities Conditions

13. All antennas shall meet the minimum sitting distances to habitable structures required for compliance with the FCC regulations and standards governing the environmental effects of radio frequency emissions. Permittee shall keep up-to-date on current information from the FCC in regards to maximum permissible radio frequency exposure levels. In the event that the FCC changes its guidelines for human exposure to radio frequency, permittee shall, within 30 days after any such change, submit to the Planning Director a report prepared by a qualified engineer that demonstrates actual compliance with such changed guidelines. The Director may, at permittee's sole cost, retain an independent consultant to evaluate the compliance report and any potential modifications to the permit necessary to conform to the FCC's guidelines. Failure to submit the compliance report required under this condition, or failure to maintain compliance with the FCC's guidelines for human exposure to radio frequency at all times shall constitute grounds for permit revocation.
14. All antennas shall be located so that any person walking adjacent to the transmitting surface of the antennas will be walking on a grade, which is a minimum of eight and one-half feet below the transmitting surface.
15. All antennas, equipment, and support structures shall be designed to prevent unauthorized climbing.
16. The wireless telecommunication facility shall be erected, operated, and maintained in compliance with the general requirements set forth in MMC Section 17.46.060 and most restrictive design criteria set forth in MMC Section 17.46.070.
17. The antenna and electrical support equipment shall, at all times, be operated in a manner that conforms to the applicable federal health and safety standards.

18. The proposed wireless telecommunications facility shall not emit a noise greater than fifty (50) decibels (dB) as measured from the base of the facility.
19. The co-location of wireless telecommunication facilities, pursuant to MMC Section 17.46.090, shall be required whenever feasible.
20. The installation of an onsite generator and or other equipment is prohibited. The Planning Director's approval is required if a generator is to be placed onsite for temporary or permanent use.
21. An operation technician is required to conduct regular quarterly maintenance visits to verify that the wireless telecommunication facility remains in compliance with the conditions of approval and safety requirements.
22. All pole mounted equipment associated with the application shall be located no lower than eight feet above grade or ground level on the utility pole.

#### Construction

23. Installation hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No installation activities shall be permitted on Sundays and City-designated holidays. The restricted work hours described in this condition do not apply to emergency maintenance necessary to protect health or property. The City of Malibu may issue a Stop Work Order if permittee violates this condition.

#### Site Specific Conditions

24. The proposed antenna, and all other visible pole-mounted related materials and cables shall be painted a dark brown color to match the existing wood utility pole and the above-ground vents and hatch for underground vault shall be painted a dark green color to blend as much as possible with the surrounding vegetation. Colors and materials for the facility shall be non-reflective and chosen to minimize visual impact to the greatest extent feasible.
25. All improvements, including foundations, and appurtenant ground wires, shall be removed from the property and the site restored to its original pre-installation conditions within 90 days of cessation of operation or abandonment of the facility.
26. Build-Out Conditions.
  - a. Permittee shall not commence any excavation, construction, installation or other work on the project site until and unless it demonstrates to the Public Works Department that the project complies with all generally applicable laws, regulations and other rules related to public health and safety, including without limitation all applicable provisions in California Public Utilities Commission General Order 95 and MMC Chapter 8.24.
  - b. To the extent that the pole owner requires higher or more restrictive standards than contained in California Public Utilities Commission General Order 95, those standards shall control.

27. Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinance or other rules.
28. The permittee shall cooperate with all inspections. The City and its designees reserves the right to support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
29. Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Planning Department at the time of permit issuance and within one business day of permittee's receipt of City staff's written request.
30. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.
31. The site and the facility must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.
32. Permittee shall promptly remove any graffiti on the wireless facility at permittee's sole expense within 48 hours after notice.
33. The permittee shall replace any landscaping (other than groundcover displaced by the vault and its vent stacks) around the proposed underground vault that may be removed as a result of the proposed construction and shall make a good faith effort to replace any shrubs or bushes displaced by the installation of the vault and its vent stacks to maintain the concealment provided by the existing landscaping for the above-ground vents without adversely affecting traffic visibility.

Prior to Operation

34. The applicant shall request a final Planning Department inspection immediately after the wireless telecommunications facility has been installed and prior to the commencement of services and final electrical inspection by the City of Malibu Environmental Sustainability Department.
35. Within thirty (30) calendar days following the installation of any wireless telecommunication facilities, the applicant shall provide to the Planning Department with a field report prepared by a qualified engineer verifying that the unit has been inspected, tested, and is operating in compliance with FCC standards. Such documentation shall include the make and model (or other identifying information) of the unit tested, the date and time of the inspection, and a certification that the unit is properly installed and working within applicable FCC standards.

Public Works

36. The proposed project includes improvements within the City's public right-of-way. The applicant shall obtain a City of Malibu Public Works Department Encroachment Permit for the proposed work within the public right-of-way prior to installation.

Fixed Conditions

37. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights there under.

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

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of October 2016.

\_\_\_\_\_  
JOHN MAZZA, Planning Commission Chair

ATTEST:

\_\_\_\_\_  
KATHLEEN STECKO, Recording Secretary

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 10 days and shall be accompanied by an appeal form and filing fee. The appellant shall pay fees as specified by the City Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at [www.malibucity.org](http://www.malibucity.org), in person at City Hall, or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-59 was passed and adopted by the Planning Commission of the City of Malibu at the meeting thereof held on the 17<sup>th</sup> day of October 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
KATHLEEN STECKO, Recording Secretary

**GENERAL NOTES**

- APPROVAL OF THESE PLANS BY THE CITY ENGINEER DOES NOT AUTHORIZE ANY WORK TO BE PERFORMED UNTIL A PERMIT HAS BEEN ISSUED.
- UPON ISSUANCE OF A PERMIT, NO WORK WILL BE PERMITTED ON WEEKENDS OR HOLIDAYS WITHOUT PERMISSION FROM THE ENGINEERING DEPARTMENT.
- THE APPROVAL OF THIS PLAN OR ISSUANCE OF A PERMIT BY THE CITY OF MALIBU DOES NOT AUTHORIZE THE SUBGRADER AND OTHERS TO VIOLATE ANY FEDERAL, STATE OR CITY LAWS, ORDINANCES, REGULATIONS, OR POLICES, INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENVIRONMENTAL IMPROVEMENT ACT OF 1973 AND AMENDMENTS THEREIN (42 USC SECTION 4321-4326).
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR SURVEY MONUMENTS AND/OR VERTICAL CONTROL BENCHMARKS WHICH ARE DISTURBED OR DESTROYED BY CONSTRUCTION. A LAND SURVEYOR MUST FIELD LOCATE, REFERENCE, AND/OR PRESERVE ALL HISTORICAL OR CONTROLLING MONUMENTS PRIOR TO ANY Earthwork. IF DESTROYED, SUCH MONUMENTS SHALL BE REPLACED WITH APPROPRIATE MONUMENTS BY A LAND SURVEYOR. A CONSIDER RECORD OR RECORD OF SURVEY, AS APPROPRIATE, SHALL BE FIELD AS REQUIRED BY THE PROFESSIONAL LAND SURVEYORS ACT. IF ANY VERTICAL CONTROL IS TO BE DESTROYED OR DESTROYED, THE CITY OF MALIBU FIELD SURVEY SECTION MUST BE NOTIFIED, IN WRITING, AT LEAST 3 DAYS PRIOR TO THE CONSTRUCTION. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE COST OF REPLACING ANY VERTICAL CONTROL BENCHMARKS DESTROYED BY THE CONSTRUCTION.
- IMPORTANT NOTICE: SECTION 4514 OF THE GOVERNMENT CODE REQUIRES A BIG ALERT IDENTIFICATION NUMBER BE ISSUED BEFORE A "PERMIT TO EXCAVATE" WILL BE VALID. FOR YOUR BIG ALERT ID NUMBER, CALL UNDERGROUND SERVICE ALERT, TWO DAYS BEFORE YOU DIG.
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE DETECTION AND LOCATING OF ALL EXISTING UTILITIES THAT CROSS THE PROPOSED TRENCH LINE AND MUST MAINTAIN 1' MINIMUM VERTICAL CLEARANCE.
- CONTRACTOR SHALL SUBMIT TO THE LOCAL JURISDICTION, A CONSTRUCTION PLAN TO PROTECT WATER MAINS PRIOR TO COMMENCING CONSTRUCTION.
- CONTRACTOR SHALL REPLACE OR REPAIR ALL TRAFFIC SIGNAL LOOPS, CONDUIT, AND LANE STRIPING DAMAGED DURING CONSTRUCTION.
- CONTRACTOR SHALL NOTIFY THE LOCAL JURISDICTION, A MINIMUM OF 48 HOURS PRIOR TO COMMENCING WORK WITHIN 10' OF ALL SEWER, WATER, AND STORMDRAIN MAINS INCLUDING ALL CROSSINGS.
- THIS PROJECT WILL BE IMPROVED BY ENGINEERING AND CONTROL PROJECTS REFINEMENT, FIELD ENGINEERING DESIGN.
- AS-BUILT DRAWINGS MUST BE SUBMITTED TO THE CITY RESIDENT ENGINEER PRIOR TO THE ACCEPTANCE OF THIS PROJECT.
- PUBLIC IMPROVEMENT SUBJECT TO DESTRUCTION OR DAMAGE: IF REPAIR OR REPLACEMENT OF SUCH PUBLIC IMPROVEMENTS IS REQUIRED, THE OWNER SHALL OBTAIN THE REQUIRED PERMITS FOR WORK IN THE PUBLIC RIGHT-OF-WAY, SATISFACTORY TO THE POINT - ISSUING AUTHORITY.
- PRIOR TO ANY DISTURBANCE TO THE SITE, EXCLUDING UTILITY MENS-OUTS AND SURVEYING, THE CONTRACTOR SHALL MAKE ARRANGEMENTS FOR A PRE-CONSTRUCTION MEETING WITH THE CITY OF MALIBU FIELD ENGINEERING DIVISION.
- PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION SHOWN ON THESE PLANS, IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE LOCAL JURISDICTIONS WORKING UTILITY COORDINATION COMMITTEE THE CONSTRUCTION ACTIVITIES WITH THE CITY AND ALL OTHER CONTRACTORS SO THAT NO TRENCH IS CUT WITHIN ANY OF THE CITY STREETS THAT HAVE BEEN CONSTRUCTED, REPAIRED, OR SLURRY SOILED WITHIN THREE YEARS OF THE STREET CONSTRUCTION/REPAIRING DATE.
- MANHOLES OR COVERS SHALL BE LABELED "CROWN CASTLE".
- CONTRACTOR SHALL IMPLEMENT AN EROSION AND SEDIMENT CONTROL PROGRAM DURING THE PROJECT CONSTRUCTION ACTIVITIES. THE PROGRAM SHALL MEET THE APPLICABLE REQUIREMENTS OF THE STATE WATER RESOURCE CONTROL BOARD.
- THE CONTRACTOR SHALL HAVE EMERGENCY MATERIALS AND EQUIPMENT ON HAND FOR UNDERSEVER STATIONS, SUCH AS DRENCH TO UNDERGROUND WATER, SEWER, AND STORM DRAIN CHANNELS WHEREBY FLOWING MAY GENERATE EROSION AND SEDIMENT POLLUTION.

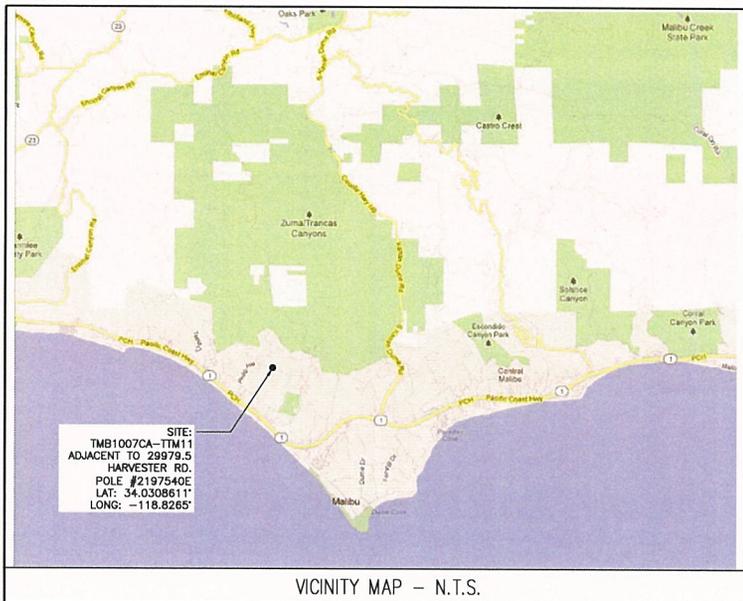
**SPECIAL NOTES**

- THE FOLLOWING NOTES ARE PROVIDED TO GIVE DIRECTIONS TO THE CONTRACTOR BY THE ENGINEER OF WORK. THE CITY ENGINEER'S SIGNATURE ON THESE PLANS DOES NOT CONSTITUTE APPROVAL OF THESE NOTES AND THEY WILL NOT BE RESPONSIBLE FOR THEIR ENFORCEMENT.
- THE CONTRACTOR SHALL VERIFY THE LOCATION EXISTING UNDERGROUND UTILITIES INCLUDING SEWER, LATERALS AND WATER SERVICES TO INDIVIDUAL LOTS BOTH VERTICAL AND HORIZONTAL PRIOR TO COMMENCING IMPROVEMENT OPERATIONS.
  - CONTRACTOR SHALL MAKE EXPLORATION EXCAVATIONS AND LOCATE EXISTING FACILITIES SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT REPAIR OR REPAIR IF REPAIR IS NECESSARY BECAUSE OF LOCATION OF EXISTING UTILITIES.
  - LOCATION AND ELEVATIONS OF IMPROVEMENTS, TO BE MET BY WORK, SHALL BE CONFIRMED BY FIELD MEASUREMENT PRIOR TO CONSTRUCTION OF NEW WORK.
  - GRADES SHOWN ARE FINISH GRADES. CONTRACTOR SHALL DETERMINE NECESSARY SUB GRADE ELEVATIONS AND SHALL CONSTRUCT SMOOTH TRANSITION BETWEEN FINISH GRADES SHOWN.
  - CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE RESPONSIBILITY FOR JOB SITE CONDITION DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS PROFESSIONAL SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL OBTAIN, MAINTAIN AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXPECTING FOR LIABILITY ARISING FROM SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.
  - THE CONTRACTOR SHALL BE TOTALLY RESPONSIBLE FOR COMPLIANCE WITH THE PROVISIONS OF THE STATE OF CALIFORNIA SAFETY STATUTES.
  - THE LOCATIONS OF ALL EXISTING UTILITIES SHOWN ON THESE PLANS ARE FROM EXISTING RECORDS AND CORROBORATED WHERE POSSIBLE WITH FIELD TIES. THE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING THE LOCATIONS SHOWN, BOTH HORIZONTALLY AND VERTICALLY, PRIOR TO CONSTRUCTION. IF EXISTING LOCATIONS VARY SUBSTANTIALLY FROM THE PLANS, THE ENGINEER SHOULD BE NOTIFIED TO MAKE ANY CONSTRUCTION CHANGES REQUIRED.
  - THE CONTRACTOR SHALL PROVIDE TEMPORARY SUPPORT FOR ALL SEWER AND WATER MAIN UNDER CROSSING IN ACCORDANCE WITH PART 1 SECTION 5-2 OF THE STANDARD SPECIFICATION.
  - THE CONTRACTOR SHALL REPLACE OR REPAIR ALL TRAFFIC SIGNAL LOOPS, CONDUITS, AND LANE STRIPING DAMAGED DURING CONSTRUCTION.
  - THE CONTRACTOR SHALL SUBMIT WORK PLANS FOR ALL BORE OPERATIONS TWO WEEKS PRIOR TO COMMENCING WORK.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR THE DETECTION AND LOCATING OF ALL EXISTING UTILITIES THAT CROSS THE PROPOSED TRENCH LINE AND MUST MAINTAIN 1' MINIMUM VERTICAL CLEARANCE.
  - AS-BUILT DRAWINGS MUST BE SUBMITTED TO THE CITY ENGINEER PRIOR TO ACCEPTANCE OF THIS PROJECT.

# CROWN CASTLE NG WEST, LLC

## TMB1007CA-TTM11m1

### ROW ADJACENT TO 29970.5 HARVESTER RD. MALIBU, CA 90265



<ul style="list-style-type: none"> <li>— GROUND BUS BAR</li> <li>● MECH. GRND. CONN.</li> <li>■ CADDWELD</li> <li>□ ELECTRIC BOX</li> <li>Ⓣ TELEPHONE BOX</li> <li>⊗ EXISTING SERVICE POLE</li> <li>⊗ SIDEWALK FLAG</li> <li>⊗ EX. MANHOLE</li> </ul>	<ul style="list-style-type: none"> <li>⊙ LIGHT POLE FOUNDATION</li> <li>⊙ SPOT ELEV.</li> <li>⊙ SET POINT</li> <li>⊙ REVISION</li> <li>⊙ DETAIL REF.</li> </ul>	<ul style="list-style-type: none"> <li>⊕ ELEVATION REF.</li> <li>⊕ SECTION REF.</li> <li>— PROP./LEASE LINE</li> <li>— MATCH LINE</li> <li>● WORK POINT</li> <li>— TELE. CONDUIT CENTERLINE</li> </ul>	<ul style="list-style-type: none"> <li>— ELECT. CONDUIT</li> <li>— COAXIAL CABLE</li> <li>□ MYERS PEDESTAL VAULT STANDARD 2'X3'</li> <li>● STEEL POLE</li> </ul>
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**SYMBOLS, LINETYPES AND HATCH PATTERNS**

**EROSION AND SEDIMENT CONTROL NOTES**

- TEMPORARY EROSION/SEDIMENT CONTROL, PRIOR TO COMPLETION OF FINAL IMPROVEMENTS, SHALL BE PERFORMED BY THE CONTRACTOR OR QUALIFIED PERSON AS INDICATED BELOW:
- ALL REQUIREMENTS OF THE CITY OF MALIBU "LAND DEVELOPMENT MANUAL, STORM WATER STANDARDS" MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION OF THE PROPOSED GRADING/IMPROVEMENTS CONSISTENT WITH THE APPROVED STORM WATER AND/OR WATER POLLUTION CONTROL PLAN (WPCP).
  - FOR STORM DRAIN INLETS, PROVIDE A GRAVEL BAG SILT BARRIERS IMMEDIATELY UPSTREAM OF INLET AS INDICATED ON DETAILS.
  - FOR INLETS LOCATED AT SLOPES ADJACENT TO TOP OF SLOPES, THE CONTRACTOR SHALL ENSURE THAT WATER DRAINING TO THE SUMP IS DIRECTED INTO THE INLET AND THAT A MINIMUM OF 1.0' FREEBOARD EXISTS AND IS MAINTAINED ABOVE THE TOP OF THE INLET. IF FREEBOARD IS NOT PROVIDED BY GRADING SHOWN ON THESE PLANS, THE CONTRACTOR SHALL PROVIDE IT VIA TEMPORARY MEASURES, I.E. GRAVEL BAGS OR DRECS.
  - THE CONTRACTOR OR QUALIFIED PERSON SHALL BE RESPONSIBLE FOR COLLECTION OF SILT AND MUD ON ADJACENT STREET(S) AND STORM DRAIN SYSTEM DUE TO CONSTRUCTION ACTIVITY.
  - THE CONTRACTOR OR QUALIFIED PERSON SHALL CHECK AND MAINTAIN ALL LINED AND UNLINED DITCHES AFTER EACH RAINFALL.
  - THE CONTRACTOR SHALL REMOVE SILT AND DRECS AFTER EACH MAJOR RAINFALL.
  - EQUIPMENT AND WORKERS FOR EMERGENCY WORK SHALL BE MADE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON, ALL NECESSARY MATERIALS SHALL BE STOCKPILED ON SITE AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF TEMPORARY DEVICES WHEN RAIN IS IMMINENT.
  - THE CONTRACTOR SHALL RESTORE ALL EROSION/SEDIMENT CONTROL MEASURES TO WORKING ORDER TO THE SATISFACTION OF THE CITY ENGINEER OR RESIDENT ENGINEER AFTER EACH RAIN-UP PRODUCING RAINFALL.
  - THE CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES AS MAY BE REQUIRED BY THE RESIDENT ENGINEER DUE TO UNEXPECTED GRADING OPERATIONS OR UNFORESEEN CIRCUMSTANCES, WHICH MAY ARISE.
  - THE CONTRACTOR SHALL BE RESPONSIBLE AND SHALL TAKE NECESSARY PRECAUTIONS TO PREVENT PUBLIC RESSPASS ONTO AREAS WHERE IMPOUNDED WATERS CREATE A HAZARDOUS CONDITION.
  - ALL EROSION/SEDIMENT CONTROL MEASURES PROVIDED FOR THE APPROVED GRADING PLAN SHALL BE INCORPORATED HEREIN. ALL EROSION/SEDIMENT CONTROL FOR INITIAL CONDITIONS SHALL BE DONE TO THE SATISFACTION OF THE RESIDENT ENGINEER.
  - GRADED AREAS ADJACENT TO THE PROJECT PERMETER MUST DRAIN AWAY FROM THE FACE OF THE SLOPE AT THE CONCLUSION OF EACH WORKING DAY.
  - ALL REMOVABLE PROTECTIVE DEVICES SHOWN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN RAIN IS IMMINENT.
  - THE CONTRACTOR SHALL ONLY GRADE, INCLUDING CLEARING AND GRUBBING FOR THE AREAS FOR WHICH THE CONTRACTOR OR QUALIFIED PERSON CAN PROVIDE EROSION/SEDIMENT CONTROL MEASURES.
  - THE CONTRACTOR SHALL ARRANGE FOR WEEKLY MEETINGS DURING OCTOBER 1ST TO APRIL 30TH FOR PROJECT TEAM (GENERAL CONTRACTOR, QUALIFIED PERSON, EROSION CONTROL SUBCONTRACTOR IF ANY, ENGINEER OF WORK, OWNER AND THE RESIDENT ENGINEER) TO EVALUATE THE ADEQUACY OF THE EROSION/SEDIMENT CONTROL MEASURES AND OTHER RELATED CONSTRUCTION ACTIVITIES.

**TRAFFIC CONTROL NOTES**

THE CONTRACTOR SHALL SUBMIT A TRAFFIC CONTROL PLAN (11" X 17") FOR APPROVAL PRIOR TO STARTING WORK. THE PLAN SHOULD BE SUBMITTED TO THE TRAFFIC CONTROL PERMIT CENTER. CONTRACTOR SHALL OBTAIN A TRAFFIC CONTROL PERMIT A MINIMUM OF TWO (2) WORKING DAYS PRIOR TO STARTING WORK, AND A MINIMUM FIVE (5) DAYS IF WORK WILL AFFECT A BUS STOP OR AN EXISTING TRAFFIC SIGNAL, OR IF WORK WILL REQUIRE A ROAD OR ALLEY CLOSURE.

FOOTAGE TOTALS	
ASPHALT CUT	--
DIRT TRENCH	--
PUNCH THRU	--
BORE	--
TOTAL	--
BAR SHEET TOTAL	--

**PROJECT DICTIONARY**

**SITE ADDRESS:** R.O.W. ADJACENT TO 29979.5 HARVESTER RD. MALIBU, CA 90265

**APPLICANT:** CROWN CASTLE NG WEST, LLC  
300 SPECTRUM CENTER DR, SUITE 1200  
IRVINE, CA 92618  
CONTACT: HEIDI PAYNE  
PHONE: (949) 310-8233

**CIVIL ENGINEER:** INFINGY SOLUTIONS  
26455 RANCHO PARKWAY SOUTH  
LAKE FOREST, CA 92630  
CONTACT: FRANK CARTER  
(949) 310-8233 PHONE  
(949) 753-8833 FAX

REV.	DATE/BY:	REVISION DESCRIPTION:
6	FC 06/10/2016	ISSUED FOR CITY COMMENTS
7	FC 06/20/2016	ISSUED FOR CITY COMMENTS
8	FC 07/12/2016	ISSUED FOR CITY COMMENTS
9	FC 09/26/16	ISSUED FOR CITY COMMENTS
10	FC 10/10/16	ISSUED FOR CITY COMMENTS

ENGINEER/CONSULTANT:

Civil Engineer

**INFINGY**  
FROM ZERO TO INFINITY  
the solutions are endless

JOB #438-000

CLIENT:

**CROWN CASTLE**

STAMP:

*Heidi Payne*

SITE INFO:

**SITE NAME:** TTM11m1  
TMB1007CA-TTM11m1

**SITE ADDRESS:** THOMAS BROS PAGE 667 GRID C1  
R.O.W. ADJACENT TO 29970.5 HARVESTER RD.  
MALIBU, CA 90265  
LAT: 34.0308611'  
LONG: -118.82265'

SHEET TITLE:

**TITLE SHEET**

DRAWING INFO:	
DWG. NAME:	DATE:
FRAC	09/26/16

SHEET NUMBER:

**T-1**

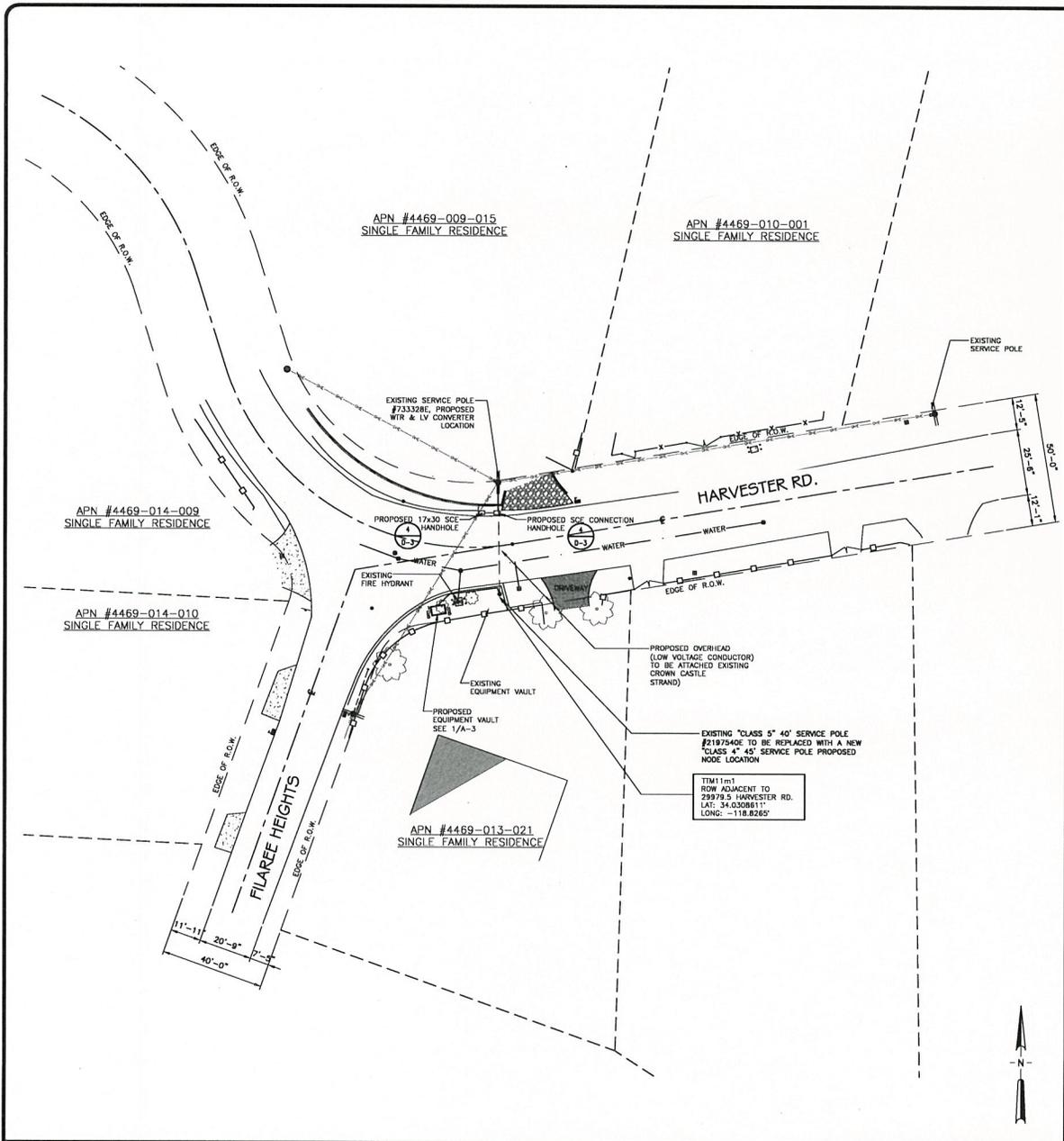
ATTACHMENT 2

CONSTRUCTION CHANGE TABLE	
DATE	EFFECTED OR ADDED SHEET NUMBER

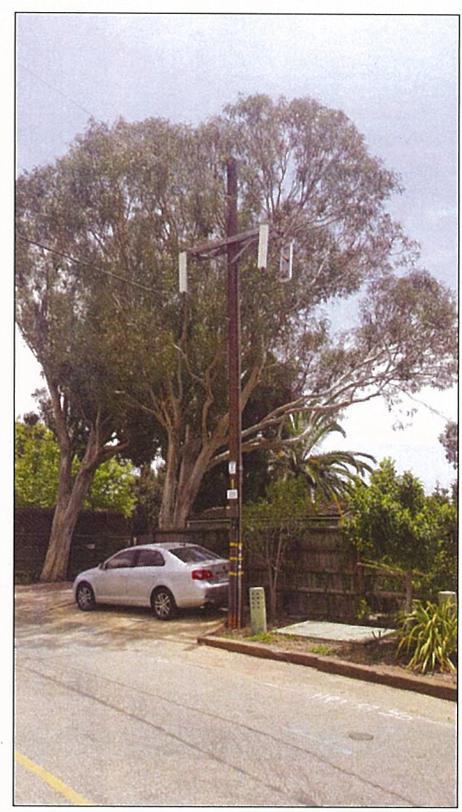
APPLICABLE CODES
ALL WORK SHALL COMPLY WITH THE FOLLOWING APPLICABLE CODES:
<ul style="list-style-type: none"> <li>• 2013 CALIFORNIA BUILDING CODE</li> <li>• 2013 CALIFORNIA MECHANICAL CODE</li> <li>• 2013 CALIFORNIA PLUMBING CODE</li> <li>• 2013 CALIFORNIA ELECTRICAL CODE</li> </ul>
IN THE EVENT OF CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL.

PROJECT DESCRIPTION
THE PROJECT CONSISTS OF THE INSTALLATION AND OPERATION OF ANTENNAS AND ASSOCIATED EQUIPMENT CABINETS FOR CROWN CASTLE THE INSTALLATION OF EQUIPMENT CABINETS INSIDE PROPOSED VAULT, AND ANTENNAS ON PROPOSED 4-8" POLE TOP EXTENSION (SHAKESPEAR TUFF-TOP POLE TOP EXTENSION OR EQUAL) ON AN EXISTING WOOD UTILITY POLE

SHEET INDEX:	
TITLE SHEET	T-1 - SHEET 1 OF 10
SURVEY	C-1 - SHEET 2 OF 10
SITE PLAN	A-1 - SHEET 3 OF 10
PROPOSED ELEVATIONS	A-2 - SHEET 4 OF 10
EQUIPMENT PLAN & (E) ELEVATIONS	A-3 - SHEET 5 OF 10
PROVISION OF NEW ELEVATION	A-4 - SHEET 6 OF 10
DETAILS	D-1 - SHEET 7 OF 10
DETAILS	D-2 - SHEET 8 OF 10
DETAILS	D-3 - SHEET 9 OF 10
DETAILS	D-4 - SHEET 10 OF 10

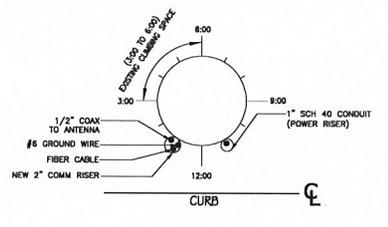


**SITE PLAN** SCALE: 1"=20'-0" 1



**EXISTING PHOTO** SCALE: N.T.S. 2

POLE WILL BE STEPPED IN ACCORDANCE TO G095 STANDARDS IN RESPECT TO CLIMBING SPACE.  
 1-2" CROWN CASTLE RISER @ 10:00  
 1-1" POWER RISER @ 8:00



**RISER PROFILE** SCALE: 1"=8'-0" 3

REV.	DATE/BY:	REVISION DESCRIPTION:
6	06/10/2016 FC	ISSUED FOR CITY COMMENTS
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8	07/12/2016 FC	ISSUED FOR CITY COMMENTS
9	09/26/16 FC	ISSUED FOR CITY COMMENTS
10	10/10/16 FC	ISSUED FOR CITY COMMENTS

ENGINEER/CONSULTANT:  
 Civil Engineer  
**INFINIGY8**  
 FROM ZERO TO INFINIGY  
 The solutions are endless  
 JOB #438-000

CLIENT:  
**CROWN CASTLE**

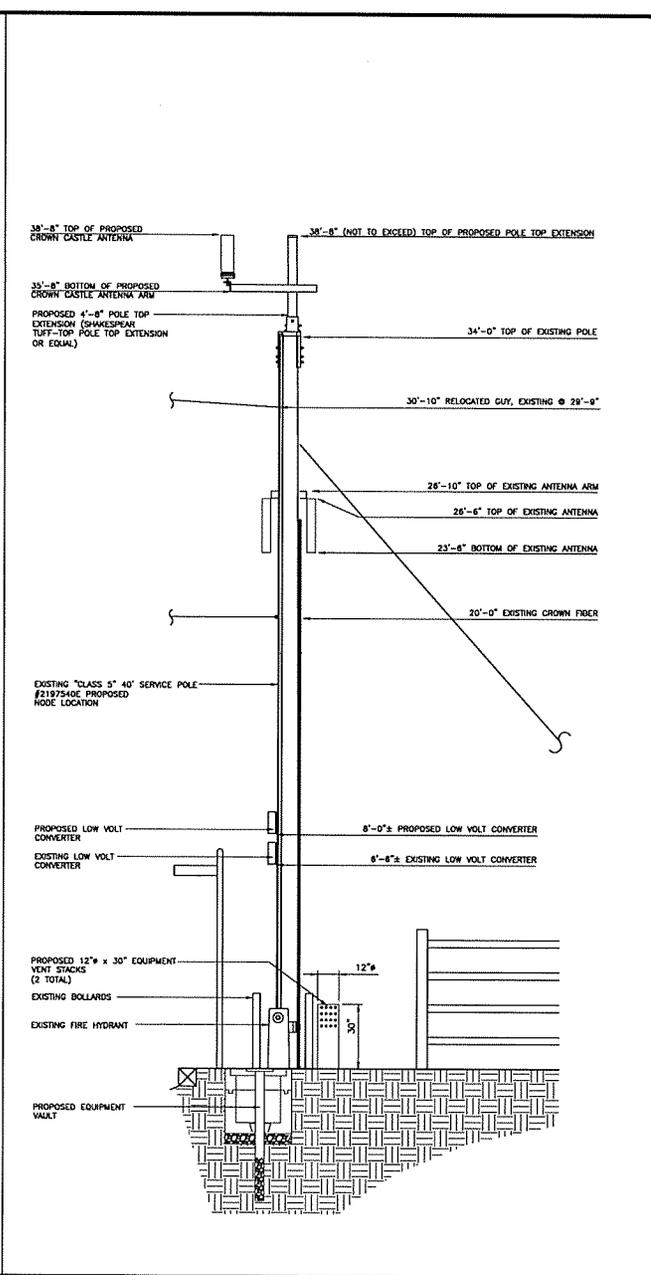
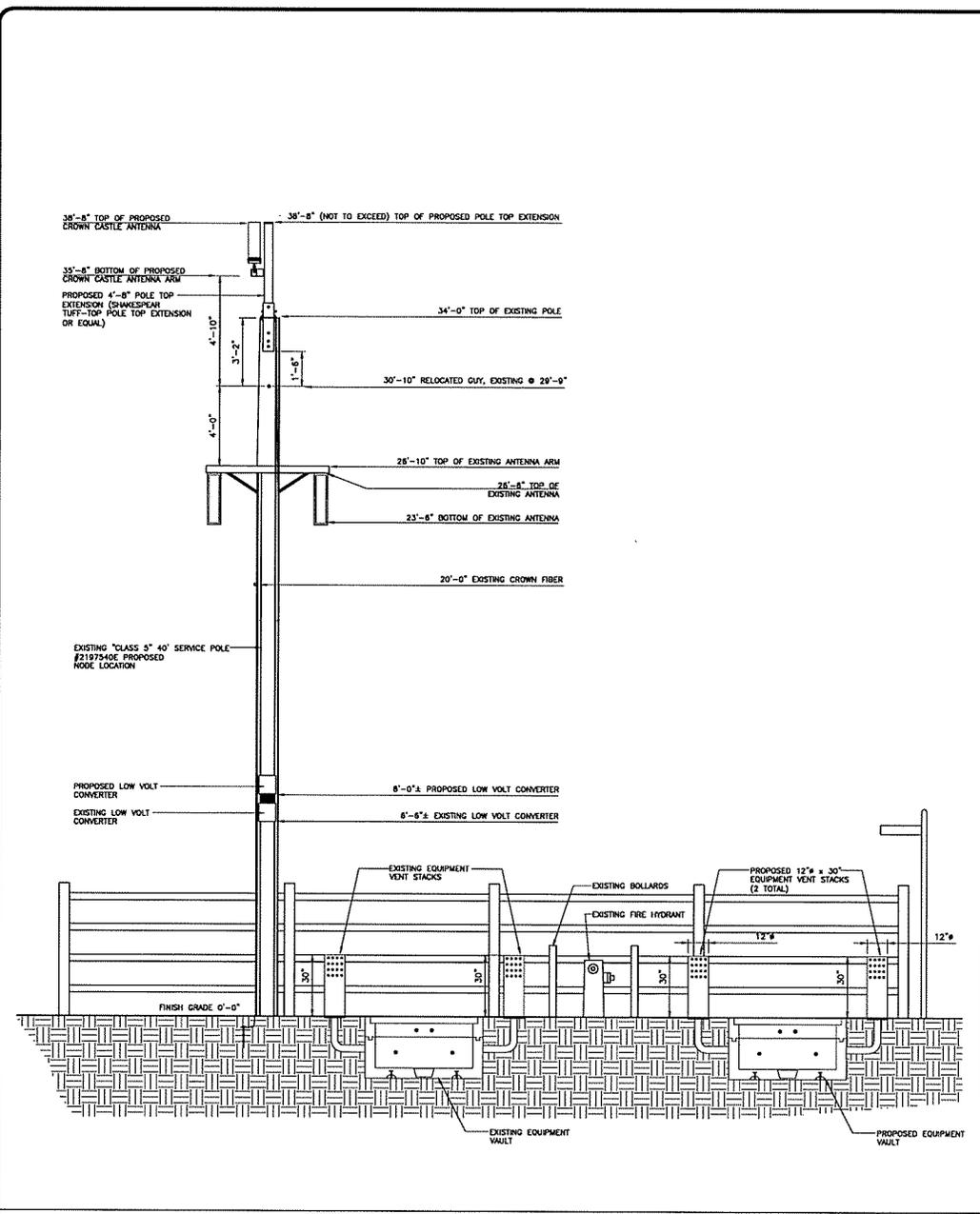
STAMP:  
  
*Donald E. Hill*

SITE INFO:  
 SITE NAME:  
 TTM11m1  
 TMB1007CA-TTM11m1  
 SITE ADDRESS: THOMAS BROS PAGE 667 GRID C1  
 R.O.W. ADJACENT TO 29970.5 HARVESTER RD.  
 MALIBU, CA 90265  
 LAT: 34.0308611°  
 LONG: -118.82865°

SHEET TITLE:  
**SITE PLAN / DETAILS**

DRAWING INFO:  
 DWG. NAME: FC  
 DRAWN BY: FC  
 DATE: 09/26/16

SHEET NUMBER:  
**A-1**



PROPOSED POLE #2197540E ELEVATION LOOKING SOUTH

SCALE: 3/8"=1'-0" 1

PROPOSED POLE #2197540E ELEVATION LOOKING EAST

SCALE: 3/8"=1'-0" 2

REV.	DATE/BY:	REVISION DESCRIPTION:
6	FC 06/10/2016	ISSUED FOR CITY COMMENTS
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8	FC 07/12/2016	ISSUED FOR CITY COMMENTS
9	FC 09/26/16	ISSUED FOR CITY COMMENTS
10	FC 10/10/16	ISSUED FOR CITY COMMENTS

ENGINEER/CONSULTANT:

Civil Engineer

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FROM ZERO TO INFINIGY  
the solutions are endless

JOB #438-000

CLIENT:

**CROWN CASTLE**

STAMP:

David L. Hill

SITE INFO:

SITE NAME:  
TTM11m1  
TMB1007CA-TTM11m1

SITE ADDRESS: THOMAS BROS PAGE 667 GRID C1  
R.O.W. ADJACENT TO 29970.5 HARVESTER RD.  
MALIBU, CA 90265  
LAT: 34.030611°  
LONG: -118.8265°

SHEET TITLE:

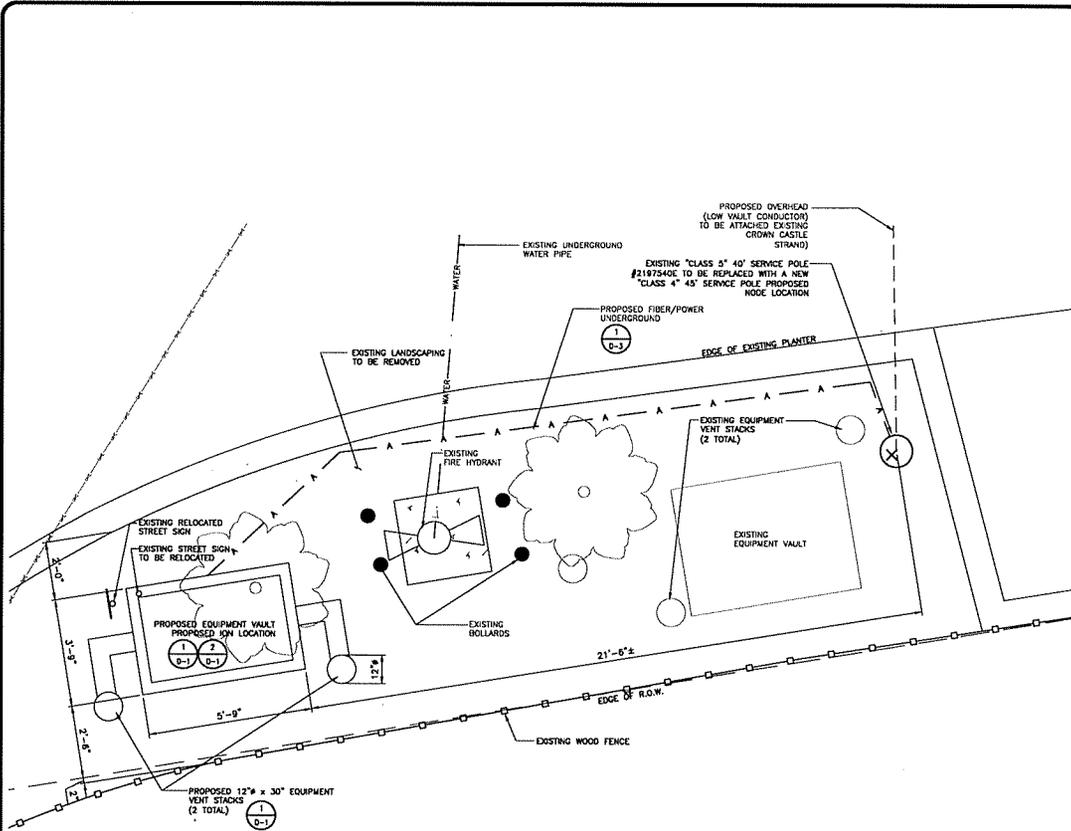
**ELEVATIONS**

DRAWING INFO:

DWG. NAME:	DRAWN BY:	DATE:
	FC	09/26/16

SHEET NUMBER:

A-2

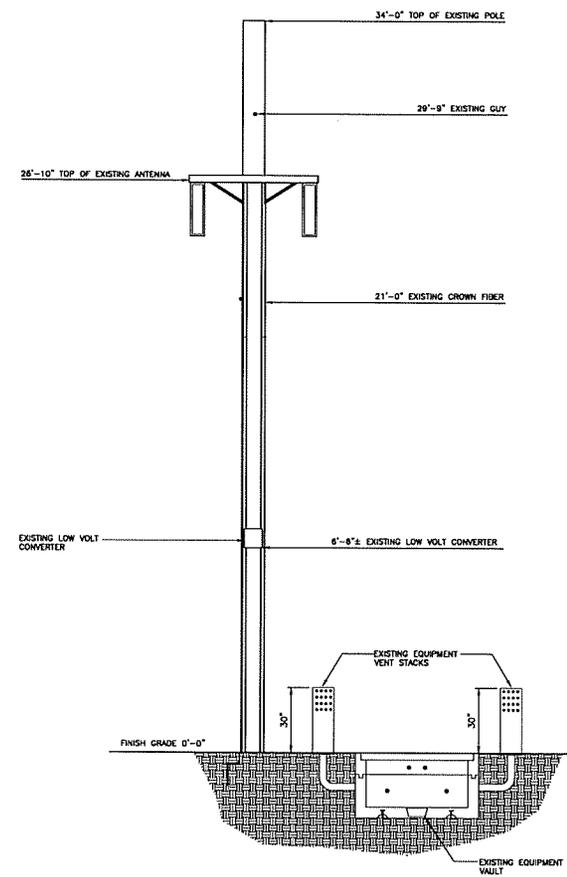


NOTE:  
1. EXISTING LANDSCAPING TO REMAIN UN-CHANGED ANY LANDSCAPING THAT IS DISTURBED IS TO BE REPLACED TO MATCH ORIGINAL.

ENLARGED EQUIPMENT AREA

SCALE: 1/8"=1'-0"  
1

EXISTING POLE #2197540E ELEVATION LOOKING SOUTH



SCALE: 3/8"=1'-0"  
2

REV.	DATE/BY:	REVISION DESCRIPTION:
6	FC 06/20/2016	ISSUED FOR CITY COMMENTS
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10	FC 10/10/16	ISSUED FOR CITY COMMENTS

ENGINEER/CONSULTANT:

Civil Engineer

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FROM ZERO TO INFINIGY  
the solutions are endless

JOB #438-000

CLIENT:

**CC CROWN CASTLE**

STAMP:

DAVID C. MCCALL  
PROFESSIONAL ENGINEER  
NO. 8888  
EXP. 08/07  
2011  
STATE OF CALIFORNIA

SITE INFO:

SITE NAME:  
TTM11m1  
TMB1007CA-TTM11m1

SITE ADDRESS: THOMAS BROS PAGE 667 GRID C1  
R.O.W. ADJACENT TO 29970.5 HARVESTER RD.  
MALIBU, CA 90265  
LAT: 34.0308611°  
LONG: -118.8263°

SHEET TITLE:

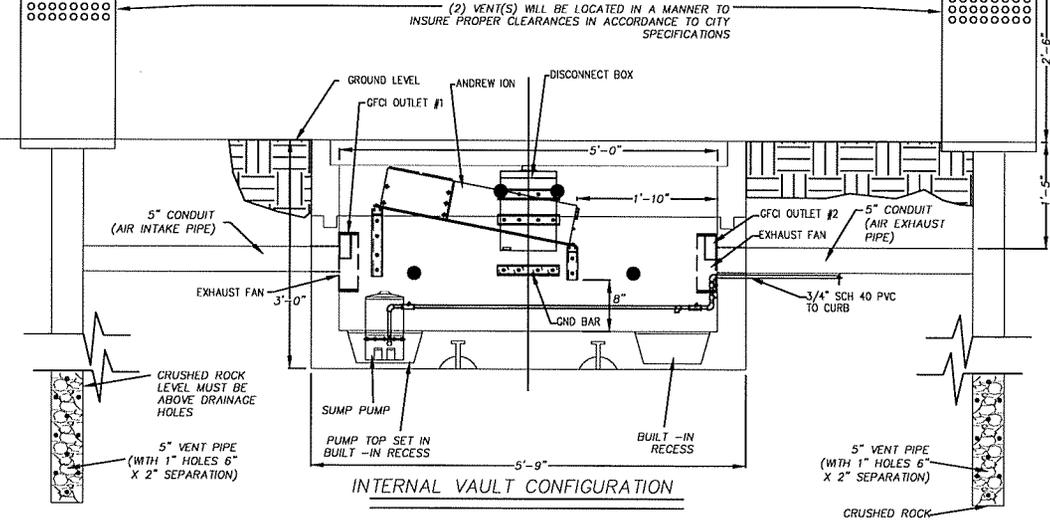
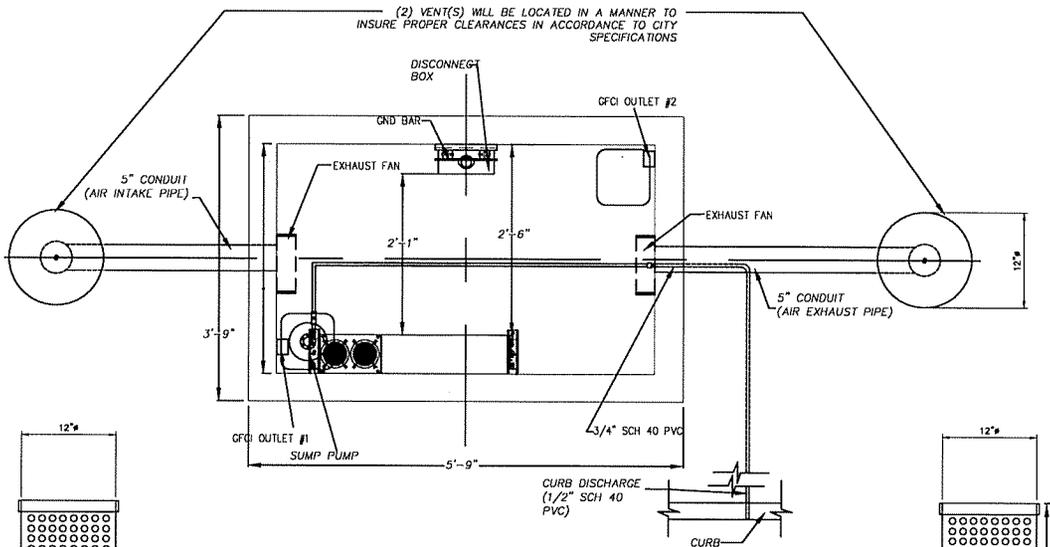
**EQUIPMENT PLAN AND EXISTING ELEVATIONS**

DRAWING INFO:

DWG. NAME:	FC	DATE:	09/26/16
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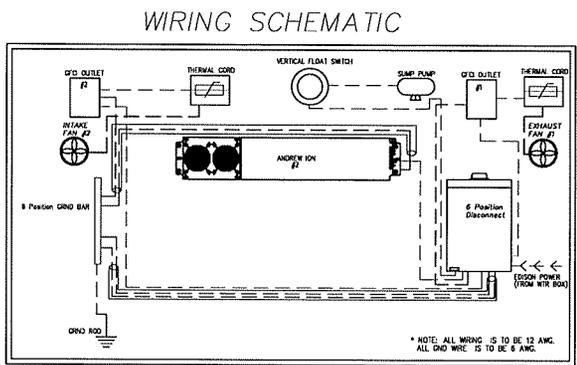
SHEET NUMBER:

A-3



**INTERNAL VAULT CONFIGURATION**

\* VENTS CAN BE FIELD CONFIGURED TO REDUCE OVER ALL FOOT PRINT AND AID REDUCING THE IMPACT ON THE SURROUNDING ENVIRONMENT.



--- GROUND WIRE (6 AWG)  
 --- POWER WIRE (12 AWG)  
 1/2" LIQUIDTIGHT FLEX

\* NOTE: ALL WIRING IS TO BE 12 AWG. ALL GND WIRE IS TO BE 6 AWG.

REV.	DATE/BY:	REVISION DESCRIPTION:
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7	FC 06/20/2016	ISSUED FOR CITY COMMENTS
8	FC 07/12/2016	ISSUED FOR CITY COMMENTS
9	FC 09/26/16	ISSUED FOR CITY COMMENTS
10	FC 10/10/16	ISSUED FOR CITY COMMENTS

ENGINEER/CONSULTANT:

Civil Engineer

**INFINIGY8**  
 FROM ZERO TO INFINIGY  
 the solutions are endless

JOB #438-000

CLIENT:

**CROWN CASTLE**

STAMP:

Andrew Ion

SITE INFO:

SITE NAME:  
 TTM11m1  
 TMB1007CA-TTM11m1

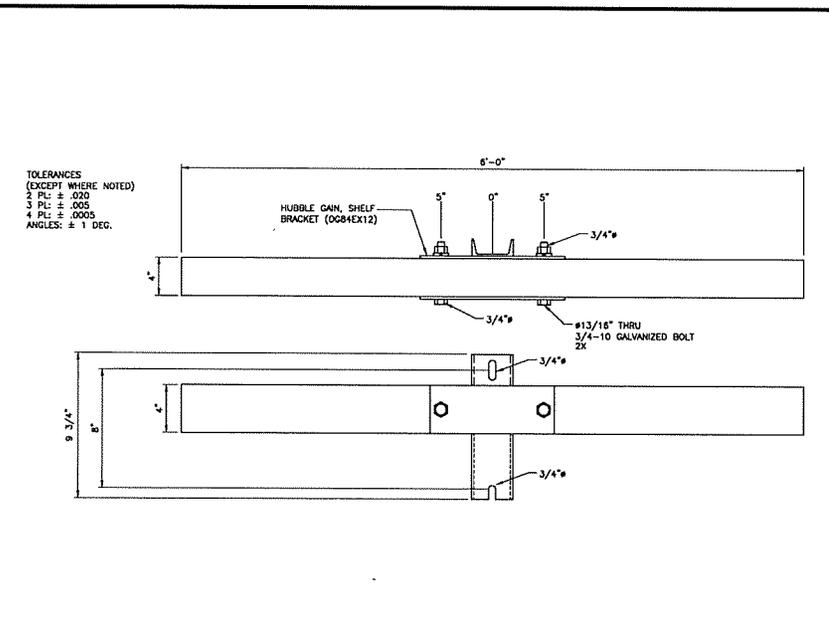
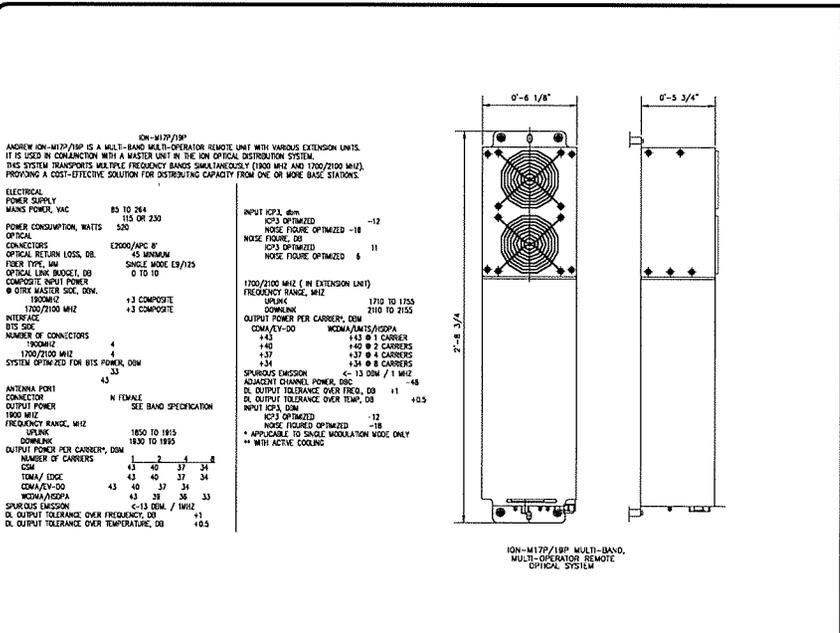
SITE ADDRESS: THOMAS BROS PAGE 667 GRID C1  
 R.O.W. ADJACENT TO 29970.5 HARVESTER RD.  
 MALIBU, CA 90265  
 LAT: 34.030861°  
 LONG: -118.8265°

**DETAILS**

DRAWING INFO:

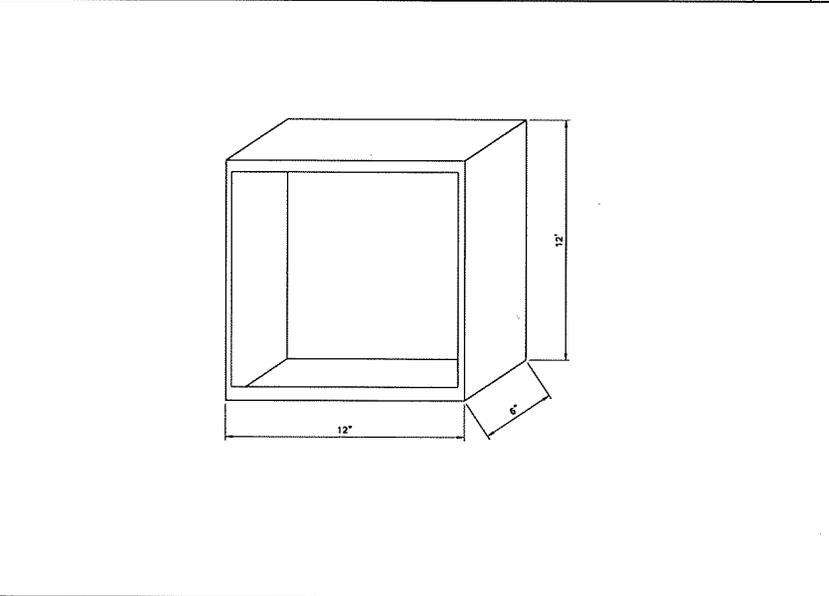
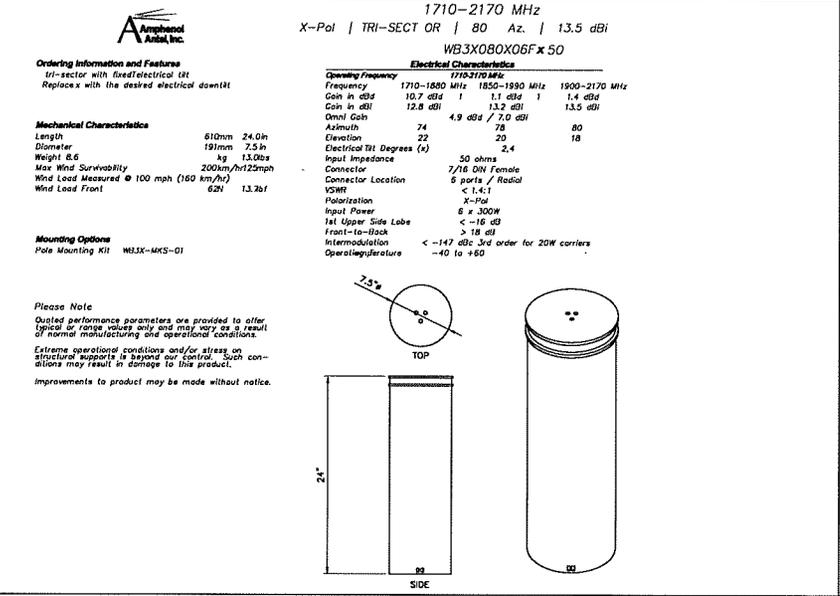
DWG. NAME:	DRAWN BY:	DATE:
	FC	09/26/16

SHEET NUMBER:



ION EQUIPMENT DETAIL N.T.S. 1

BRACELESS ARM N.T.S. 3



ANTENNA SPECIFICATION N.T.S. 2

12" X 12" LOW VOLT CONVERTER BOX N.T.S. 4

REV.	DATE/BY:	REVISION DESCRIPTION:
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10	09/26/16 FC	ISSUED FOR CITY COMMENTS

ENGINEER/CONSULTANT:

Civil Engineer

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FROM ZERO TO INFINIGY  
the solutions are endless

JOB #438-000

CLIENT:

**CROWN CASTLE**

STAMP:

David Tallent

SITE INFO:

SITE NAME:  
TTM11m1  
TMB1007CA-TTM11m1

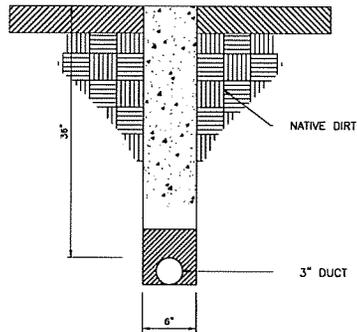
SITE ADDRESS: THOMAS BROS PAGE 667 GRID C1  
R.O.W. ADJACENT TO 29970.5 HARVESTER RD.  
MALIBU, CA 90265  
LAT: 34.0308611°  
LONG: -118.8265°

SHEET TITLE:  
**DETAILS**

DRAWING INFO:

DWG. NAME:	DRAWN BY:	DATE:
	FC	09/26/16

SHEET NUMBER:  
**D-2**

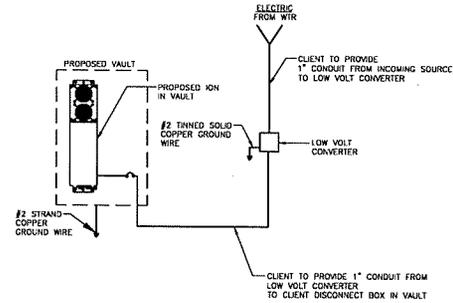


\* TRENCH TO BE BACK FILL WITH NATIVE MATERIAL & COMPACTED TO 90% OR BETTER & REPLACE LANDSCAPING IN KIND.

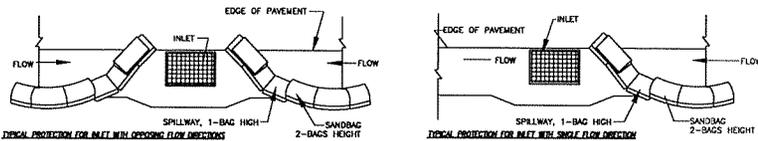
TRENCH DETAIL

N.T.S. 1

SINGLE LINE DIAGRAM



N.T.S. 3

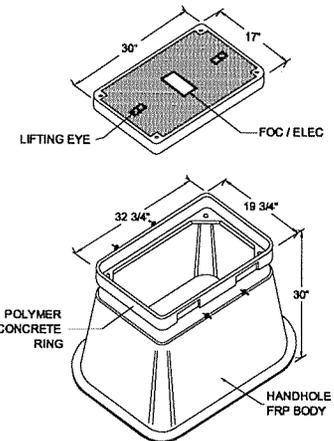


- INDEX:**
1. INTENDED FOR SHORT-TERM USE.
  2. USE TO INHIBIT NON-STORM WATER FLOW.
  3. ALLOW FOR PROPER MAINTENANCE AND CLEANUP.
  4. BAGS MUST BE REMOVED AFTER ADJACENT OPERATION IS COMPLETED.
  5. NOT APPLICABLE IN AREAS WITH HIGH SILTS AND CLAYS WITHOUT FILTER FABRIC.

STORM DRAIN INLET PROTECTION

N.T.S. 2

HANDHOLE DETAIL



- COVER FEATURES:**
- \* PW - 10,400 LBS. WHEEL LOAD ON 10" X 10" PLATE.
  - \* APPROX. WT. = 72 LBS.
  - \* POLYMER CONCRETE
  - \* ONE PIECE COVER
  - \* FOUR BOLT DOWN
  - \* COLOR: CONCRETE GREY
  - \* NON - SKID SURFACE
  - \* LABEL ID: NEXTG FOC / ELEC

- HANDHOLE FEATURES:**
- \* POLYMER CONCRETE RING AND FIBERGLASS REINFORCED POLYMER BODY
  - \* COLOR OF RING: CONCRETE GREY
  - \* APPROX. WT. = 123 lbs.

N.T.S. 4

REV.	DATE/DR.	REVISION DESCRIPTION:
6	FC 06/10/2016	ISSUED FOR CITY COMMENTS
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8	FC 07/12/2016	ISSUED FOR CITY COMMENTS
9	FC 09/26/16	ISSUED FOR CITY COMMENTS
10	FC 10/10/16	ISSUED FOR CITY COMMENTS

ENGINEER/CONSULTANT:

Civil Engineer

**INFINIGY8**  
FROM ZERO TO INFINIGY  
The solutions are endless

JOB #438-000

CLIENT:

**CROWN CASTLE**

STAMP:



SITE INFO:

SITE NAME:  
**TTM11m1**  
TMB1007CA-TTM11m1

SITE ADDRESS: THOMAS BROS PACE 667 GRID CI  
R.O.W. ADJACENT TO 29970.5 HARVESTER RD.  
MALIBU, CA 90265  
LAT: 34.0308611°  
LONG: -118.8265°

SHEET TITLE:

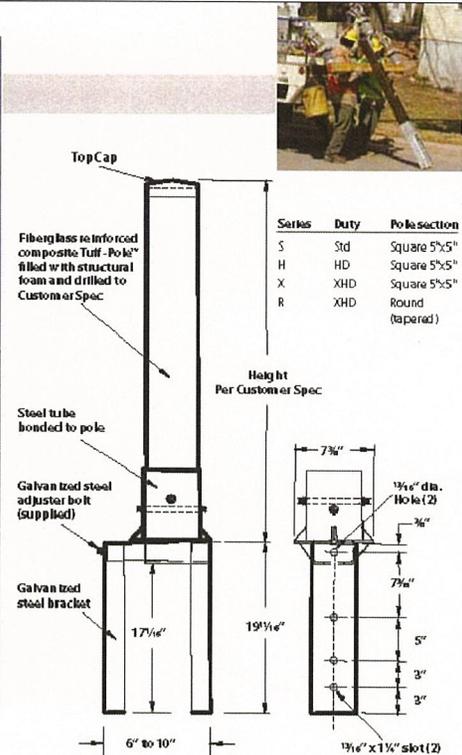
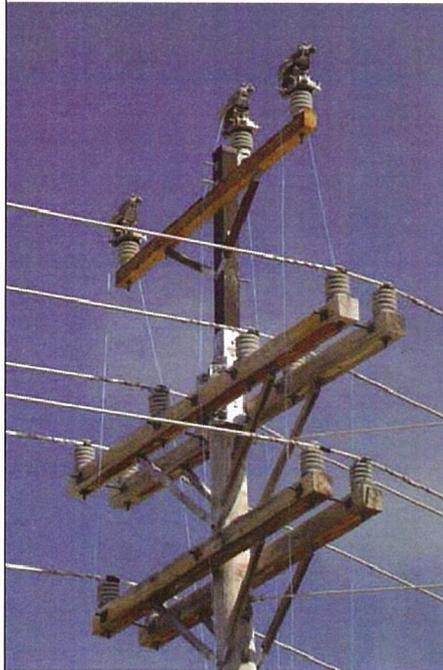
DETAILS

DRAWING INFO:

DWG. NAME:	DRAWN BY:	DATE:
	FC	09/26/16

SHEET NUMBER:

D-3



Pole Extensions

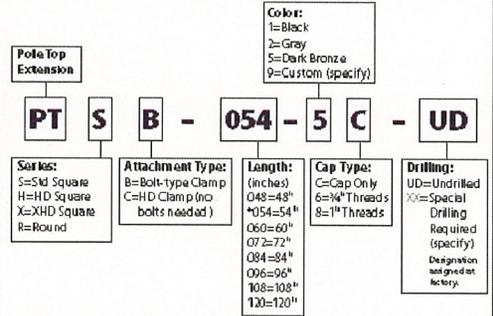
Series	Duty	Pole section
S	Std	Square 5"x5"
H	HD	Square 5"x5"
X	XHD	Square 5"x5"
R	XHD	Round (tapered)

### How to order

The Tuff-Top Pole Extension ordering logic is shown at right. Use this checklist and the diagram above to specify the product you need. If you need assistance, just call.

	Standard	Specify
Series	S (Std)	_____
Attachment type	B (bolt through)	_____
Length	54"	_____
Color	Dark Bronze (5)	_____
Cap type	C (Cap only)	_____
Drilling Pattern	UD (undrilled)	_____
Dia. of drilled holes	1 3/4"	_____
Other		_____

### Shakespeare Tuff-Top Pole Extensions



\*Standard Length = 54" Custom lengths available  
 Weight of standard unit: 72 lbs.

19

REV.	DATE/BY:	REVISION DESCRIPTION:
6	FC 06/10/2016	ISSUED FOR CITY COMMENTS
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8	FC 07/12/2016	ISSUED FOR CITY COMMENTS
9	FC 09/26/16	ISSUED FOR CITY COMMENTS
10	FC 10/10/16	ISSUED FOR CITY COMMENTS

ENGINEER/CONSULTANT:

Civil Engineer

**INFINIGY8**  
 FROM ZERO TO INFINIGY  
*The solutions are endless*

JOB #438-000

CLIENT:

**CROWN CASTLE**

STAMP:

Donald L. Hill

SITE INFO:

SITE NAME: TTM11m1  
 TMB1007CA-TTM11m1

SITE ADDRESS: THOMAS BROS PAGE 867 GRID C1  
 R.O.W. ADJACENT TO 29970.5 HARVESTER RD.  
 MALIBU, CA 90265  
 LAT: 34.030861°  
 LONG: -118.8285°

SHEET TITLE:

**DETAILS**

DRAWING INFO:

DWG. NAME:	DRAWN BY:	DATE:
	FC	09/26/16

SHEET NUMBER:

**D-3**

PROPOSED CROWN CASTLE ANTENNA  
 PROPOSED CROWN CASTLE ANTENNA ARM

EXISTING ANTENNA ARM

EXISTING ANTENNAS

EXISTING "CLASS 5" 40' SERVICE POLE #2197540E TO BE REPLACED WITH A NEW "CLASS 4" 45' SERVICE POLE PROPOSED NODE LOCATION

EXISTING EQUIPMENT VENT STACKS  
 EXISTING UNDERGROUND EQUIPMENT VAULT

PROPOSED 4'-8" POLE TOP EXTENSION (SHAKESPEAR TUFF-TOP POLE TOP EXTENSION OR EQUAL)

PROPOSED 12" x 30" EQUIPMENT VENT STACKS (2 TOTAL)

PROPOSED UNDERGROUND EQUIPMENT VAULT

REV.	DATE/BY:	REVISION DESCRIPTION:
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7	FC 06/20/2016	ISSUED FOR CITY COMMENTS
8	FC 07/12/2016	ISSUED FOR CITY COMMENTS
9	FC 09/26/16	ISSUED FOR CITY COMMENTS
10	FC 10/10/16	ISSUED FOR CITY COMMENTS

ENGINEER/CONSULTANT:

Civil Engineer

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JOB #438-000

CLIENT:

**CROWN CASTLE**

STAMP:



PHOTOSIM OF PROPOSED ELEVATION

SCALE: NONE 1

EXISTING ANTENNA ARM

EXISTING ANTENNAS

EXISTING "CLASS 5" 40' SERVICE POLE #2197540E TO BE REPLACED WITH A NEW "CLASS 4" 45' SERVICE POLE PROPOSED NODE LOCATION

EXISTING EQUIPMENT VENT STACKS  
 EXISTING UNDERGROUND EQUIPMENT VAULT

PHOTOSIM OF EXISTING ELEVATION

SCALE: NONE 2

SITE INFO:

SITE NAME:  
 TTM11m1  
 TMB1007CA-TTM11m1  
 SITE ADDRESS: THOMAS BROS PAGE 667 GRID C1  
 R.O.W. ADJACENT TO 29970.5 HARVESTER RD.  
 MALIBU, CA 90265  
 LAT: 34.0308611°  
 LONG: -118.8265°

SHEET TITLE:

PHOTOSIM OF ELEVATION

DRAWING INFO:

DWG. NAME:	DRAWN BY:	DATE:
	FC	09/26/16

SHEET NUMBER:

A-4

Notice Continued...

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Commission at any time prior to the beginning of the public hearing.

**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 (fifteen days for tentative parcel maps) following the date of action 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/planning/forms](http://www.malibucity.org/planning/forms) or in person at City Hall, or by calling (310) 456-2489, extension 245.

**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.**

If you have questions regarding this notice, please contact Adrian Fernandez, Senior Planner, at (310) 456-2489, extension 482.

Date: May 26, 2016

By: Bonnie Blue, Planning Director

ATTACHMENT 4

# Notice of Public Hearing



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

## Planning Department

### City of Malibu

23825 Stuart Ranch Road

Malibu, CA 90265

(310) 456-2489 Fax (310) 456-7650

## NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **MONDAY, June 20, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.**

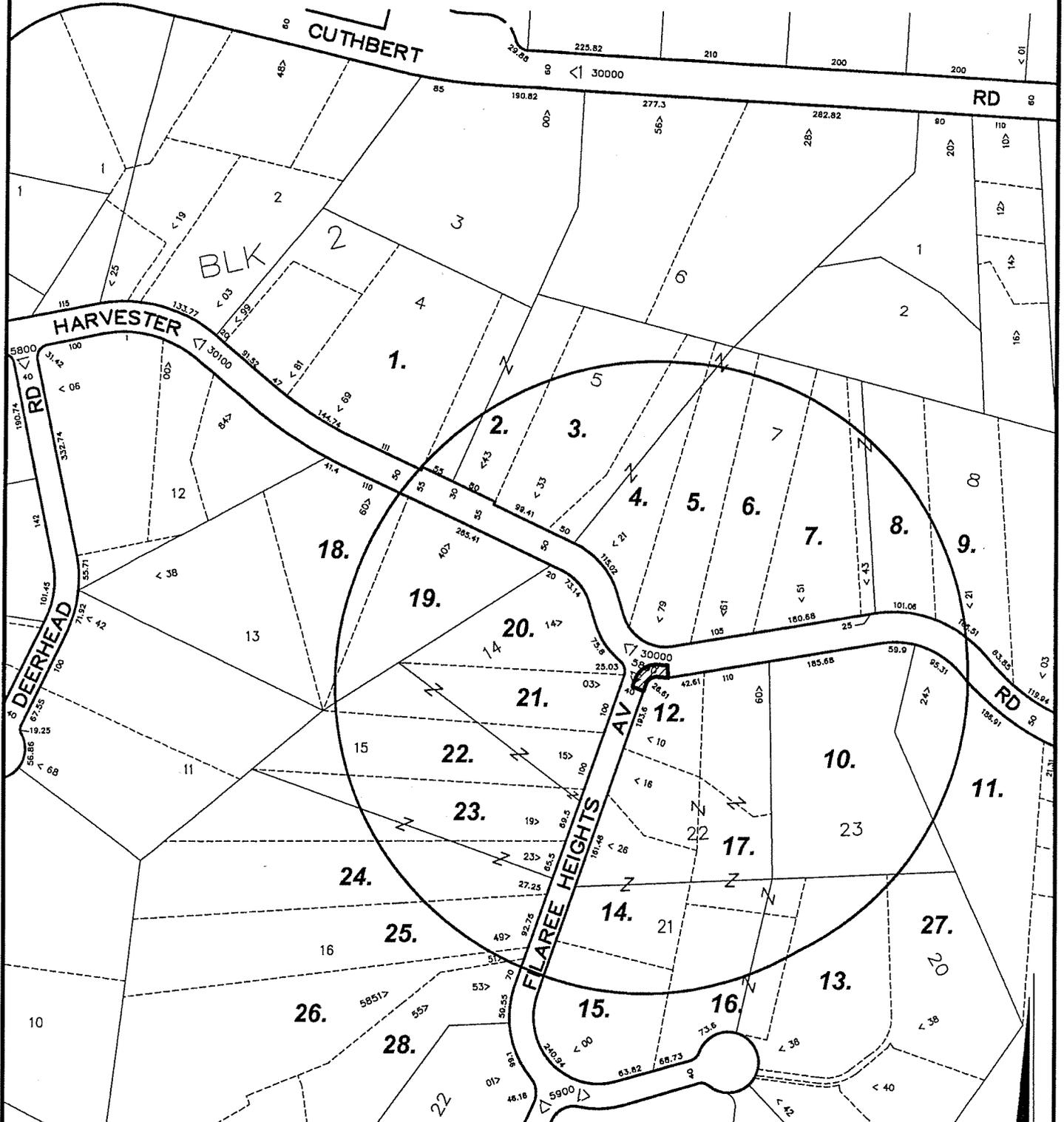
**WIRELESS TELECOMMUNICATIONS FACILITY NO. 16-001 AND SITE PLAN REVIEW NO. 16-026** – An application for the installation of a new wireless telecommunications facility, including a new antenna attached to an existing utility pole at a height of 28 feet, 8 inches and electrical support equipment in a new underground vault, located in the public right-of-way at 29970.5 Harvester Road

LOCATION:	29970.5 Harvester Road, Public Right-of-Way
NEAREST APN:	4469-013-021
NEAREST ZONING:	Rural Residential-Two Acre (RR-2)
APPLICANT:	Carver Chiu of Crown Castle NG West, Inc.
OWNER:	City of Malibu
APPLICATION FILED:	May 5, 2016
CASE PLANNER:	Adrian Fernandez Senior Planner (310) 456-2489, ext. 482 <a href="mailto:afernandez@malibucity.org">afernandez@malibucity.org</a>

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director 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 pursuant to CEQA Guidelines Section 15303(d) New Construction or Conversion of Small Structures. 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).



# CITY OF MALIBU



## 500' RADIUS MAP

SITE: "TTM11m1"

### L.A. MAPPING SERVICE

71 DEER CREEK ROAD  
 POMONA, CA 91766  
 (909) 595-0903

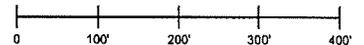
### LEGEND

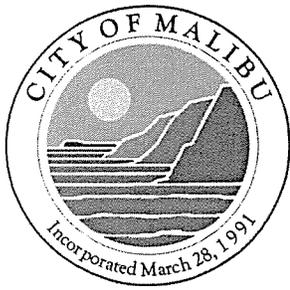
- 12.** OWNERSHIP NO.
- Z** OWNERSHIP HOOK

CASE NO.

DATE: 5-02-16

SCALE:





Planning Commission  
Meeting  
10-17-16  
**Item  
4.B.**

# Commission Agenda Report

To: Chair Mazza and Members of the Planning Commission

Prepared by: Jessica Colvard, Associate Planner

Approved by: Bonnie Blue, Planning Director *BB*

Date prepared: October 4, 2016 Meeting date: October 17, 2016

Subject: Coastal Development Permit No. 14-003, Variance Nos. 16-010 and 16-023, and Minor Modification No. 15-016 – An application for a new single-family beachfront residence and associated development (Continued from September 19, 2016)

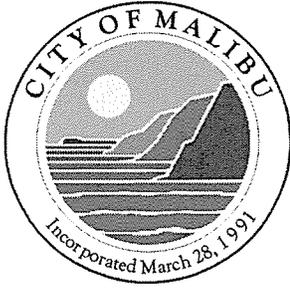
Location: 25306 Malibu Road, within the appealable coastal zone

APN: 4459-016-013

Owner: Chambers Creek, LLC

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RECOMMENDED ACTION: Continue this item to a date uncertain.



# Commission Agenda Report

Planning Commission  
Meeting  
10-17-16

**Item  
5.A.**

To: Chair Mazza and Members of the Planning Commission

Prepared by: Jessica Colvard, Associate Planner

Approved by: Bonnie Blue, Planning Director *a.f. for*

Date prepared: October 6, 2016 Meeting date: October 17, 2016

Subject: Coastal Development Permit Amendment No. 16-007, Conditional Use Permit Amendment No. 16-001, and Variance No. 16-020 – An application to amend Coastal Development Permit No. 13-072 and Conditional Use Permit No. 14-001, including a variance to reduce the required parking spaces and allow the use of a valet

Location: 22333 Pacific Coast Highway  
APN: 4452-024-005  
Owner: KW/LF – Malibu Sands, LLC  
Tenant: Blue Plate Taco

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 16-79 (Attachment 1) denying, without prejudice, Coastal Development Permit Amendment (CDPA) No. 16-007, Conditional Use Permit Amendment (CUPA) No. 16-001, and Variance (VAR) No. 16-020 for the operation of a restaurant with increased service area, increased seating capacity, and a full alcohol license including a variance to reduce the required parking spaces and allow use of a valet system at an existing commercial shopping center (Malibu Sands Shopping Center) in the Community Commercial (CC) zoning district located at 22333 Pacific Coast Highway (KW/LF – Malibu Sands, LLC).

**DISCUSSION:** The issue before the Planning Commission is whether to adopt Planning Commission Resolution No. 16-79 denying CDPA No. 16-007, CUPA No. 16-001, and VAR No. 16-020. This agenda report provides a description of the project site and surrounding land uses, a summary of existing active approvals, a description of the proposed project and a summary of staff's analysis regarding the project's consistency with the applicable provisions of the Local Coastal Program (LCP) Local Implementation Plan (LIP), Malibu Municipal Code (MMC) and the California Environmental Quality Act

(CEQA). A complete project chronology and required findings can be found in Planning Commission Resolution No. 16-79.

The shopping center is legal, non-conforming with respect to the number and size of parking spaces. The proposed additional service area would increase the demand for parking and exacerbate the existing off-street parking deficit. As discussed herein, the record does not support approval of increased restaurant service area, increased restaurant seating, reduced parking spaces and valet use as proposed in the application.

### ***Background and Existing Approvals***

According to the Los Angeles County Assessor's Office, the Malibu Sands Shopping Center was constructed in 1955.

On July 7, 2014, the Planning Commission adopted Planning Commission Resolution No. 14-70 (Attachment 2) approving Coastal Development Permit (CDP) No. 13-072 for the remodel of the existing Malibu Sands Shopping Center and installation of a new alternative onsite wastewater treatment system (AOWTS). This approval included a second floor rooftop deck area. Conditional Use Permit (CUP) Nos. 14-001 and 14-002 for two restaurant uses were also approved at that time. The restaurant tenants at that time were Thai Dishes and Johnnie's New York Pizzeria. The center is currently under construction and all tenant spaces in the center are vacant.

Given the age of the center, the existing development does not conform to the current zoning and development standards with regards to parking spaces, floor area ratio, setbacks and landscaping. However, as CDP No. 13-072 did not propose any new additional square footage and the remodel did not result in the replacement of more than 50 percent of the exterior walls of the structure, the existing non-conformities did not need to meet the current development standards.

CUP No. 14-001 (Thai Dishes space, known hereafter as "Restaurant 1") was conditionally approved for the following:

- Hours of Operation
  - Sunday through Thursday 10:00 am to 10:00 pm
  - Friday and Saturday 10:00 am to 11:00 pm
- Service Area                      866 square feet
- Seats                                      57 seats indoor
- Music                                      Live or recorded "low level" music
- Liquor License                      Beer and wine only

CUP No. 14-002 (Johnnies’s New York Pizzeria space, known hereafter as “Restaurant 2”) was conditionally approved for the following:

- Hours of Operation           Daily from 10:00 am to 10:00 pm
- Service Area                   350 square feet
- Seats                            29 seats indoor
- Music                            Live or recorded “low level” music
- Liquor License                None

Prior to the approval of CDP No. 13-072 and CUP Nos. 14-001 and 14-002, three restaurants were in operation in the Malibu Sands Shopping Center. The third restaurant use, China Den, was vacated as previous approvals could not be found.

Restaurants 1 and 2 had existed prior to cityhood and had been operating under approvals from the County of Los Angeles. CUP Nos. 14-001 and 14-002 did not approve the expansion of the restaurants. Instead, the CUPs documented the existing conditions and brought the two restaurants into conformance with the requirements of the LIP and MMC for restaurants to operate under a CUP. Additionally, no changes to the liquor licenses were approved. Thai Dishes (Restaurant 1) maintained its previous approvals for the onsite consumption of beer and wine.

CUP No. 14-001 for the Restaurant 1 approved 866 square feet of service area for 57 seats. At the time of that original CUP submittal, five tables were located outside in a ground floor common patio area at the rear of the building. These tables were removed as part of the project and all service area seating was proposed to take place inside the restaurant. It should also be noted that the service area calculation at this time included walkway space. Recent Planning Commission action related to service area has excluded walkway space (path of travel) based on the idea that Americans with Disability Act (ADA)-accessible pathways must remain unobstructed by furniture which reduces the amount of square footage where service can occur.

The parking lot for the shopping center currently provides 43 conforming parking spaces, where 85 would be required under the current “shopping center” criteria for a well-balanced mixture of uses within the center. Where there is an imbalance of high intensity uses (e.g., restaurants) parking calculations is based totally or in part on an individual basis. An analysis of existing, required and proposed parking is provided the *Project Description* section below. Additional parking in compliance with the current zoning ordinance is required for new additions or uses. The subject application includes a variance request for a reduced parking requirement due to increased service area. The existing parking is located along the entire frontage of the property, between the building and PCH.

## ***Surrounding Land Uses and Project Setting***

The subject property is located on the inland side of PCH in the Carbon Beach area and is surrounded by a mix of residential and commercial properties. In general, properties located along the inland side of PCH are predominantly developed with commercial and apartment buildings. Whereas, existing single-family development is located across the street along the ocean side of PCH.

Property data is summarized in Table 1.

<b>Table 1 – Property Data</b>	
Lot Depth	174 ft.
Lot Width	304 ft.
Gross Lot Area	54,617 sq. ft. (1.25 acres)
Area of Street Easements	11,267 sq. ft. (0.26 acre)
*Net Lot Area	43,350 sq. ft. (1 acre)

\*Net Lot Area = Gross Lot Area minus the area of street easements.

The subject property is developed with a two-story shopping center that has 15,451 square feet of gross floor area. Given the net lot size of 43,350 square feet, the required floor area ratio (FAR) is 6,503 square feet. The shopping center building is close to the street due to the steep ascending slope that occupies the entire rear portion of the property. The shopping center is currently vacant due to the ongoing remodel project. At completion, the center could contain retail, service, recreational uses and restaurants according to the previously approved CUPs and permitted uses in the CC zone.

The subject property lies within the Appeal Jurisdiction as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map. Furthermore, the subject property does not lie within or adjacent to Environmentally Sensitive Habitat Area (ESHA) as depicted on the LCP ESHA Overlay Map. The LCP Public Access Map and the LCP Park Lands Map do not identify any trails adjacent to the subject property.

## ***Project Description***

The project consists of the following:

- An interior remodel of a previously approved restaurant space and modifications to an existing common area; and
- Reconfiguration of the parking lot for the shopping center.

The project also includes the following:

- CUPA No. 16-001 to increase the service area of Restaurant 1 from 866 square feet to 1,234 square feet (excluding walkways), increase seating capacity from 57 seats

to 75 seats, establish parking operations, and change the alcohol license from beer and wine to a full alcohol license; and

- VAR No. 16-020 to reduce the additional required parking places for the center and allow a valet parking system that includes the use of valet car stackers.

Previously approved CUP conditions including hours of operation and the ability to play live “low-level” music would remain the same. Blue Plate Taco, the prospective new tenant, has proposed operating hours from 10:00 am to 10:00 pm, Sunday through Thursday and 10:00 am to 11:00 pm, Friday and Saturday. The proposed music will include the continued use of “low-level” live acoustic music as an amenity during dinner service.

### Service Area and Seating

The proposed project includes an interior remodel of the Restaurant 1 tenant space for a new tenant, Blue Plate Taco. The plans in Attachment 3 illustrate the increase in service area from the previously approved 866 square feet to the proposed 1,234 square feet, an increase of 368 square feet, and depict the excluded paths of travel. This increased service area includes an expansion into an existing outdoor ground floor patio area of 240 square feet and 714 square feet of service area on the second floor rooftop deck. Of the 75 total seats, 24 would be located on the outdoor ground floor patio area and 32 seats will be located on the second floor rooftop deck.

### Alcohol Beverage Control (ABC) License

The applicant is requesting a Type 47 ABC license which would allow for the onsite sale, service and consumption of a full line of alcohol. The onsite sale, service and consumption is proposed to take place both indoors and at the outdoor patio area. The Type 47 license requires that the holder operate and maintain the licensed premises as a bona fide eating place, must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises. Outdoor services areas, including the ground floor patio area, covered by the license must be separated with fencing to restrict access into and out of the service area.

The license will not be issued by the ABC unless the Planning Commission approves the subject conditional use permit amendment. Since the applicant is proposing a change to the license type, a Letter of Convenience or Necessity may be required by ABC from the City. An ABC license summary report is included as Attachment 4.

### Parking

Pursuant to MMC Section 17.48.030(G) and LIP Section 3.14.3, parking requirements can be calculated using one of two methods: a well-balanced shopping center or on an individual basis. The parking requirement for a shopping center is five spaces for each

1,000 square feet of gross floor area within the center. To qualify for the “shopping center” criteria, a well-balanced mixture of uses within the center must be demonstrated. Previous uses in the shopping center (as the center is currently vacant) were considered well-balanced for parking purposes. However, any future land uses that are more parking intensive than what previously existed require additional parking spaces. Using the well-balanced shopping center criteria, the required number of parking spaces for Malibu Sands Shopping Center, if it were new and including the proposed service area, is 85.

Pursuant to MMC Section 17.48.030(G), where there is an imbalance of high intensity uses, such as restaurants, theaters, bowling alleys, billiard parlors, beauty schools and other such uses and/or long-term parking uses, parking calculations will be based totally, or in part, on an individual basis, per the tenant use rather than utilizing the shopping center ratio. The required parking for restaurants is one space per 50 square feet of service area.

CDP No. 13-072 acknowledged the existing non-conforming 43 parking spaces. Using MMC Section 17.48.030(G) and LIP Section 3.14.3, the addition of 368 square feet of service area to Restaurant 1 would require an additional of eight parking spaces. Table 2 summarizes the required, existing and proposed parking spaces.

<b>Table 2 – Zoning Conformance</b>				
<b>Development Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Comments</b>
<b>PARKING</b>				
Shopping Center: 5 spaces per 1,000 sq. ft. of commercial space	83 Parking Spaces	43 Parking Spaces	43 Parking Spaces	Existing, Non-conforming
<i>Spaces Per Increased Service Area: 1 space per 50 sq. ft. of service area</i>	<i>+368 sq. ft. of service area = <b>8 spaces</b></i>	NA	<i>Valet Assist Parking within existing parking lot for a total of 8 spaces</i>	VAR No. 16-020
Loading Zones	2 Loading Zone Spaces	No Loading Spaces	No Loading Spaces	Existing, Non-conforming

<b>Table 3 – Proposed Parking</b>	
<b>North Parking Lot</b>	
Striped/Self	23 standard
	1 ADA
Valet	6 aisle
	4 stacked
<b>South Parking Lot</b>	
Striped/Self	7 standard
	9 compact

<b>Table 3 – Proposed Parking</b>	
	1 ADA
<b>Total (including valet and stacker)</b>	<b>51</b>

The proposed variance would allow the shopping center to utilize valet services in the north parking lot to accommodate some of the additional spaces in the driveway aisle and to allow the spaces in the south parking lot to be replaced at their existing legal, non-conforming size. The valet services include the placement of valet car stackers in the existing north parking lot. The stackers would be operated by valet attendants. The car stackers are proposed to hold up to four cars at a maximum of two levels high, at a height no taller than 12 feet. A parking study and valet parking plan including the proposed valet car stackers, produced by Walker Parking Consultants are included as Attachments 5 and 6.

The existing north parking lot currently contains two access points. With the use of the valet assist parking system, one access/entry point will be designated as ingress and the other as egress. The existing striped parking spaces will be “self-parking” with an additional row of valet parked cars parked perpendicular to them. When a vehicle enters the lot and is able to self-park, the valets will maneuver the valet-parked vehicles out of the way and assist the self-parking vehicle by directing it into an existing parking space. Should all available self-parking and valet-parking spaces be full, the applicant proposes to have the valet attendant park the vehicle in the valet car stacker. As proposed, the valet car stackers do not meet setback requirements for structures; however, there is no alternative location on the existing parking lots that would be feasible for the placement of the valet car stackers that would not block access or visibility of tenant space and meet setback requirements. Additional concerns exist with regards to public safety in the parking lot and along PCH. The proposed valet assist plan has the potential to interfere with traffic flow along PCH and does not alleviate the existing parking deficit throughout the center.

Should the application be approved for the use of a valet parking system, including the valet car stackers, an additional variance should be processed to reduce setbacks and parking dimensions. The parking spaces in the south parking lot range from 7.5 feet to 10 feet in width.

***LCP Analysis***

The LCP consists of a Land Use Plan (LUP) and a LIP. The LUP contains programs and policies to implement the Coastal Act in Malibu. The purpose of the LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulations to which every project requiring a coastal development permit must adhere.

There are 14 sections within the LIP that potentially require specific findings to be made, depending on the nature and location of the proposed project. Of these 14, five (Zoning,

Grading, Archaeological/Cultural Resources, Water Quality and Onsite Wastewater Treatment System [OWTS]) are for conformance review only.

There are nine remaining sections that potentially require specific findings to be made. These findings are found in the following LIP sections: 1) Coastal Development Permit, 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. Of these nine, for the reasons discussed below, General Coastal Development is the only section that applies. The variance findings are also included as part of this report.

The project is an amendment to a coastal development permit and no exterior work is proposed to the existing structure or footprint with the exception of reconfiguration of the parking and placement of the valet car stackers in accordance with the proposed valet parking plan and designation of the new rear outdoor service area within the existing patio. All findings previously made with regard to the nine LIP sections remain the same.

Additionally, MMC Chapter 17.66 (Conditional Use Permits) requires that specific findings be made. All applicable findings will be discussed in order as they appear here.

### **LIP Conformance Analysis**

The proposed project has been reviewed by the Planning Department, City Environmental Health Administrator, City Public Works Department, and Los Angeles County Fire Department (LACFD) for conformance with the LCP. The review sheets are attached hereto as Attachment 7. The project, as proposed and conditioned, has been determined not to be consistent with all applicable LCP codes, standards, goals and policies.

#### Zoning (LIP Chapter 3)

As previously stated, the proposed project does not meet commercial property development and design standards set forth in the LIP that are applicable to the proposed project. Given the age of the shopping center, non-conforming conditions exist. As the previously approved CDP No. 13-072 and CUP No. 14-001 did not propose any new additional square footage or service area and the remodel did not result in the replacement of more than 50 percent of the exterior walls, the non-conformities were allowed to remain. CDPA No. 16-007, however, includes a variance request for parking due to increased service area. This request would increase an already existing non-conforming condition on the property.

#### Grading (LIP Chapter 8)

No grading is proposed for this project; therefore, this chapter does not apply.

## Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. The City's Cultural Resources Map indicates that the project site has a low potential to contain cultural resources. The proposed work is within the existing development envelope in previously disturbed areas; therefore, no further evaluation is required at this time. Nevertheless, a condition has been included which states that in the event that potentially important cultural resources are found in the course of construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information.

## Water Quality (LIP Chapter 17)

The City Public Works Department has reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval have been included in Planning Commission Resolution No. 16-79. With the implementation of these conditions, the project conforms to the Water Quality Protection standards of LIP Chapter 17.

## Onsite Wastewater Treatment Systems (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code, MMC, and LCP. The project is an amendment to an existing coastal development permit and CUP, and no new changes to the previously approved OWTS are proposed or required to accommodate the proposed increase in service area.

## **LIP Findings**

### **A. General Coastal Development Permit (LIP Chapter 13)**

Pursuant to LIP Section 13.9, the following four findings need to be made on all coastal development permits.

*Finding A1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.*

The proposed project does not comply with the LCP as it does not satisfy the parking requirements pursuant to LIP Section 3.14.3 (Specific Parking Requirements). As previously stated, the Malibu Sands Shopping Center contains several existing, non-conforming conditions. The center was not required, during previous approvals, to bring

the non-conforming conditions into compliance as the exterior wall demolition was maintained at less than 50 percent and no expansion of the building's footprint or service area was proposed. CDDA No. 16-007 proposes an increase in service area which will increase the demand for parking on the center by eight spaces. Given the existing property conditions (structure size, steep slope at the rear of the property and retaining walls), there is no area on the property that could accommodate the additional spaces using current parking size regulations. A variance request has been submitted for relief of the parking requirements; however, not all variance findings can be made. Therefore, the project does not conform to the LCP.

*Finding A2. The project is not 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 Sections 30200 of the Public Resources Code).*

The project is not located between the first public road and the sea. Therefore, this finding does not apply.

*Finding A3. The project is the least environmentally damaging alternative.*

The project does not propose an expansion of the existing building footprint and the OWTS has been reviewed and approved by the City Environmental Health Administrator for the additional service area and seats. No adverse environmental impacts are foreseeable with the proposed scope of work other than an increased to pedestrian and vehicular traffic within the center and potentially onto PCH. The existing, non-conforming parking deficit could result in patrons and employees parking on PCH. An expansion of service area that increases parking demand is not the least environmentally damaging alternative.

*Finding A4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.*

The subject parcel is not located in or adjacent to an ESHA, ESHA buffer zone or any streams as designated in the LIP and is not subject to review by the Environmental Review Board (ERB). Therefore, this finding does not apply.

## **B. Variance for Parking Standards (LIP – Chapter 13.26.5)**

Pursuant to LIP Section 13.26.5, the Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes ten findings of fact. The project includes a variance application for relief from the commercial parking requirements which require one parking space for every 50 square feet of additional service area for restaurants. Approval of this variance request would

increase an existing, non-conforming condition. The evidence in the record does not support the requested variance and all of the following findings of fact cannot be made, specifically, Findings B1 through B4, B8 and B10.

*Finding B1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.*

As previously stated in Finding A1, the property is constrained by the existing structure size, steep slope at the rear and existing retaining walls. Adequate space for an expansion of the parking lot is not available. However, the property is already entitled with two existing conditional use permits for restaurants. These conditional use permits run with the land and can be modified for new tenants as long as the requested changes do not increase existing, non-conforming conditions or the findings for these modifications can be made. While the lot is constrained by the existing development and topography, these special circumstances or exceptional characteristics do not warrant a reduction in parking requirements that is generated by an increase in restaurant service area and would grant a special privilege to the property owner.

*Finding B2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.*

Granting the variance to allow the tenant to use a valet parking system would increase congestion in the center and potentially increase congestion on PCH along the front of the property. The valet parking plan shows the proposed valet cars lined up in the north parking lot. These cars block the parking for the existing parking spaces and allow minimum room between the parked cars and valet parked cars for other types of access such as pedestrian movement throughout the parking lot as well as potentially blocking access for emergency services. It is also likely that self-parking conditions will not always be present. Angled self-parked vehicles or longer vehicles (such as long pick-up trucks) could exacerbate the potential congestion issues associated with the valet parked vehicles. Additionally, the proposed plans do not demonstrate that the valet car stackers would meet setback requirements. Therefore, the project is inconsistent with applicable City goals and policies and may be detrimental to the public's interest, safety, health or welfare or injurious to the property or improvements in the same vicinity and zones in which the property is located.

*Finding B3. The granting of the variance will not constitute a special privilege to the applicant or property owner.*

The variance request is a result of the property owner seeking to accommodate a potential tenant within the center who has requested to expand the previously approved service

area for Restaurant 1. The proposed valet plan shows the cars parked lengthwise along the entire northern parking lot. As previously stated, the valet parking plan has the potential to cause congestion throughout the northern parking lot and onto PCH within the existing on-street parking spaces or possibly the travel lane. This congestion could affect the traffic flow along PCH. Therefore, granting the variance with the potential of causing these adverse effects would constitute a special privilege to the property owner as vehicles traveling near the center would be affected by the parking conditions.

*Finding B4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.*

The granting of the variance is contrary to LIP Section 1.2(H) which seeks to lessen congestion on the streets and provide for adequate off-street parking. The variance also could exacerbate the demand for on-street parking on PCH by allowing the expansion of service area, making it less available for coastal resource visitors.

*Finding B5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.*

The variance does not propose reduction of any ESHA standards. The development limits of LIP Section 4.7 do not apply because the project site is not in ESHA or ESHA buffer.

*Finding B6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.*

The variance is not for a deviation of stringline standards; therefore, this finding is not applicable.

*Finding B7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.*

The project would allow an expanded restaurant tenant space, which is an allowed use in the CC zoning district in which the project is located. The variance is for a reduced parking requirement and does not authorize a use or activity that is not expressly authorized by the zoning regulations for the subject property.

*Finding B8. The subject site is physically suitable for the proposed variance.*

As previously stated in Findings B1, the subject site is constrained by existing development and steep topography at the rear of the property. The parking is provided in two separate lots, one of which is very small and awkwardly shaped. There is no feasible location on the property for the expansion of the parking lots, and together they are only able to provide 43 striped parking spaces. Based on these circumstances, the site is not physically suitable for accommodating an additional eight parking spaces that would result in increased congestion to the property and potentially along PCH.

*Finding B9. The variance complies with all requirements of state and local law.*

The variance complies with all requirements of state and local law.

*Finding B10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.*

While the variance is for relief from the parking requirement, it is not a direct reduction or elimination of public parking for access to the beach, public trails or parklands. The existing non-conforming parking deficit of the site could result in patrons and employees parking on PCH in spaces that could be used for access to the beach. The nearest coastal access point is 900 feet to the west.

### **C. Conditional Use Permit Findings (MMC Section 17.66.080)**

The required CUP findings necessary to approve the operation of a restaurant with increased service area, increased seating capacity, a full liquor license including a variance to reduce the required parking spaces and allow use of a valet system at an existing commercial shopping center at 22333 PCH cannot be supported based on the findings below. Specifically, none of the Findings except Findings C6, C9 and C11 can be made.

*Finding C1. The proposed use is one that is conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of Title 17 of the Malibu Municipal Code.*

Per MMC Section 17.24.030(A), the CC zone allows restaurant use and the sale of liquor as a conditionally permitted use, and an approved CUP exists for the Restaurant 1 tenant space at this location. All proposed changes to CUP No. 14-001 for CUPA No. 16-001 meet the provisions of Title 17 of the MMC with the exception of the increased parking requirements that are a result of the proposed increase service area. The findings for the variance for relief of the parking requirement cannot be made. Therefore, the proposed increase in service area and seats cannot be supported by the provisions of Title 17 of the MMC.

*Finding C2. The proposed use would not impair the integrity and character of the zoning district in which it is located.*

As discussed in Finding C1, the change in liquor license is allowed in this zone and would not adversely affect the CC district. Restaurant use is also compatible and permitted in the zone, but amending the existing CUP for Restaurant 1 to expand the service area and number of seats exacerbates the existing non-conforming parking of the site, and the valet program does not safely or adequately accommodate parking. The expansion of restaurant service area, seats and proposed valet operations would impair the integrity and character of the CC zone.

*Finding C3. The subject site is physically suitable for the type of land use being proposed.*

As previously stated throughout this report, the proposed use is a restaurant in a location previously approved for a restaurant. The proposed increase in service area, however, requires eight additional parking spaces to be provided. The center is existing non-conforming with regards to parking and the findings for the variance for relief of the parking standards cannot be made due, in part, to the site not being physically suitable to provide the additional parking spaces.

*Finding C4. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.*

As previously stated throughout this report, the application is an amendment to an existing conditional use permit for a restaurant use in the same location. The CUPA application proposed an increase in service area and seating capacity that would exacerbate an existing non-conforming parking deficit. This deficit may result in increased traffic congestion along PCH. The increased congestion and possible public safety risks associated with the congestion are not compatible with the surrounding neighborhood.

*Finding C5. The proposed use would be compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located.*

As previously stated in Finding C4, the proposed project is not compatible with existing land uses within the subject property and surrounding properties due to the increased congestion it would cause.

*Finding C6. 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 the staff.*

The proposed use will be served by existing utilities that have been reviewed and approved by the City Environmental Health Administrator. During the review, it was

determined that the existing onsite wastewater treatment system can accommodate the proposed use. The proposed project will not create any shade or shadow impacts that would impede solar access. The existing structure is located at 22333 PCH and will not change under this application, and therefore, will not adversely impact existing public and private views.

*Finding C7. There would be adequate provisions for public access to serve the subject proposal.*

The proposed project includes an increase in service area, 240 square feet of which will be the outdoor patio area. An additional eight parking spaces are also required as part of the CUPA approval. The findings for the variance cannot be made as the proposed parking plan would increase congestion and adversely affect public access. Therefore, adequate provisions for public access would not be available.

*Finding C8. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan.*

The use is a conditionally permitted commercial use in the CC zoning district; however, the proposed application does not provide adequate off-street parking and creates potential safety hazards on PCH. Therefore, the application is not consistent with goals, objectives and policies of the General Plan.

*Finding C9. The proposed project complies with all applicable requirements of state and local law.*

The proposed project complies with all applicable requirements of State and local law.

*Finding C10. The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.*

As previously stated in Finding B2, the proposed increase in service area for the restaurant requires eight additional parking spaces. A variance request has been submitted to allow a valet to park eight cars in the northern parking lot. The valet plan is not supportable as it would increase congestion throughout the center both for vehicles and pedestrians. The increased congestion could be detrimental to public interest, health, safety, convenience or welfare.

*Finding C11. 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 project will not be at risk from earth movement and flood hazards since the application only involves a change in use on an existing, developed property. The building footprint

and envelope will not change. Therefore, there is no new impact related to earth movement, flooding, or liquefaction.

ENVIRONMENTAL REVIEW: The California Environmental Quality Act does not apply to projects which a public agency rejects or disapproves.

PUBLIC NOTICE: On September 14, 2016, a notice of public hearing was published in a newspaper of general circulation within Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

CORRESPONDENCE: To date, staff has not received public comments regarding this application.

SUMMARY: The required CUP and VAR findings cannot be made and if CDPA No. 16-007, CUPA No. 16-001 and VAR No. 16-020 are approved, the Malibu Sands Shopping Center will not comply with the commercial development parking standards set forth in LIP Section 3.14.3. Based on the analysis contained in this report and the findings contained in Planning Commission Resolution No. 16-79, staff is recommending denial, without prejudice, of CDPA No. 16-007, CUPA No. 16-001 and VAR No. 16-020.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-79
2. Planning Commission Resolution No. 14-70
3. Project Plans
4. ABC License Summary Report
5. Walker Parking Consultants Study
6. Valet Parking Plan
7. Department Review Sheets
8. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 16-79

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DENYING, WITHOUT PREJUDICE, COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 16-007, CONDITIONAL USE PERMIT AMENDMENT NO. 16-001, AND VARIANCE NO. 16-020 FOR THE OPERATION OF A RESTAURANT WITH INCREASED SERVICE AREA, INCREASED SEATING CAPACITY, AND A FULL ALCOHOL LICENSE INCLUDING A VARIANCE TO REDUCE THE REQUIRED PARKING SPACES AND ALLOW USE OF A VALET SYSTEM AT AN EXISTING COMMERCIAL SHOPPING CENTER (MALIBU SANDS SHOPPING CENTER) IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT LOCATED AT 22333 PACIFIC COAST HIGHWAY (KW/LF – MALIBU SANDS, LLC)

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

SECTION 1. Recitals.

- A. On July 7, 2014, the Planning Commission approved Coastal Development Permit (CDP) No. 13-072, an application to remodel the Malibu Sands Shopping Center and install a new alternative onsite wastewater treatment system (AOWTS), and Conditional Use Permit (CUP) No. 14-001 for a restaurant use at 22333 Pacific Coast Highway.
- B. On January 14, 2016, an application for Conditional Use Permit Amendment (CUPA) No. 16-001 was submitted to the Planning Department to increase service area and seating capacity and add a full alcohol license to the restaurant use approved by CUP No. 14-001.
- C. On July 26, 2016, Variance (VAR) No. 16-020 was submitted to the Planning Department to reduce the required parking spaces and allow for the use of a valet parking system to accommodate the reduction.
- D. On September 16, 2016, a Notice of Public Hearing was published in a newspaper of general circulation within Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.
- E. On September 26, 2016, a Notice of CDPA Application was posted on the subject property.
- F. On September 26, 2016, the Planning Department deemed the application complete.
- G. On October 17, 2016, 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.

The California Environmental Quality Act does not apply to projects which a public agency rejects or disapproves.

SECTION 3. Coastal Development Permit Amendment Denial Findings.

Based on substantial evidence contained within the record and pursuant to Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and denies CDPA No. 16-007, CUPA No. 16-001 and VAR No. 16-020 for the operation of a restaurant with increased service area, increased seating capacity, a full alcohol license and a reduced parking requirement in the Community Commercial (CC) zoning district located at 22333 Pacific Coast Highway.

The project, as proposed, has been determined not to be consistent with all applicable Local Coastal Program (LCP) Local Implementation Plan (LIP) and Malibu Municipal Code (MMC) standards, goals, and policies. The proposed increase in service area for the restaurant requires an additional eight parking spaces pursuant to LIP Section 3.14.3, which exacerbates an existing non-conforming parking deficit. The proposed plans do not demonstrate an adequate alternative parking plan. The required findings for denial of CDPA No. 16-007, CUPA No. 16-001 and VAR No. 16-020 are made herein.

**A. General Coastal Development Permit (LIP Chapter 13)**

1. The project does not comply with the LCP as it does not satisfy the parking requirements pursuant to LIP Section 3.14.3 and it has not been demonstrated that the car stackers can be installed in compliance with applicable development standards. The Malibu Sands Shopping Center is existing, non-conforming with regards to parking. Approval of CDPA No. 16-007 would increase the existing, non-conforming condition and put the center further out of compliance with the LCP.

2. The project does not propose an expansion of the existing building footprint and the OWTS has been reviewed and approved for the proposed restaurant use. Though negative environmental impacts are not projected to occur, except for traffic and safety as a result of using the aisle driveway for stacking valet parking and a car stacker. An expansion of service area that increases parking demand is not the least environmentally damaging alternative.

**B. Variance Findings for Parking Standards (LIP Section 13.26.5)**

Pursuant to LIP Section 13.26.5, the Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes all findings of fact. VAR No. 16-020 is proposed for relief from commercial development parking standards pursuant to LIP Section 3.14.3. The evidence in the record does not support the requested variance based on the following findings of fact.

1. Though the property is constrained by existing structure size and steep topography at the rear, two existing conditional use permits exist for restaurant use. The existing CUP issued for restaurant use at the subject location can be maintained for the new tenant by reducing the service area to what was previously approved. No special circumstances or exceptional characteristics apply to the subject property such that strict application of the zoning ordinance deprives the applicant of privileges enjoyed by other applicants in the nearby vicinity.

2. Granting the variance would allow the use of a valet to park cars in the northern parking lot. The lot is constrained by size and adequate space to maneuver cars both with the valet and self-parked cars is not available. Congestion in the parking lot will increase and has the potential to back up onto Pacific Coast Highway at the front of the building. As proposed the valet car stackers do not meet setback requirements. Evidence in the record demonstrates that granting of the variance would be detrimental to the public's interest, safety, health or welfare.

3. The variance request is for relief of the parking requirements due to a proposed increase in service area for one tenant. The proposed valet parking plan will extend the length of the northern parking lot and will create congestion along Pacific Coast Highway. Therefore, granting the variance with the potential of causing these adverse effects would constitute a special privilege to the property owner as vehicles traveling near the center would be affected by the parking conditions.

4. Granting of the variance is in conflict with LIP Section 1.2(H), an objective of the LCP to lessen congestion on the streets and provide for adequate off-street parking.

5. The project site is not physically suitable for the proposed variance in that the existing parking lots are not large enough to accommodate the existing parking spaces and proposed valet parking spaces. Forcing the parking lot to adapt to accommodate the additional eight parking spaces is not feasible and would result in increased congestion to the property and potentially along Pacific Coast Highway.

6. While the variance is for relief from the parking requirement, it is not a direct reduction or elimination of public parking for access to the beach, public trails or parklands. The existing non-conforming parking deficit of the site could result in patrons and employees parking on Pacific Coast Highway in spaces that could be used for access to the beach. The nearest coastal access point is 900 feet to the west.

### **C. Conditional Use Permit (MMC Section 17.66.080)**

Pursuant to MMC Section 17.66.080, the Planning Commission may approve, deny and/or modify an application for a CUP in whole or in part, with or without conditions, provided that it makes all of the following findings of fact. The required findings necessary to approve the operation of a restaurant with increased service area, increased seating capacity, a full alcohol license and relief from the commercial parking requirements located at 22333 Pacific Coast Highway cannot be supported, as detailed below.

1. The proposed use is one that is conditionally permitted within the Community Commercial (CC) zoning district and entitled under CUP No. 14-001, however, all findings for the variance request associated with the increased service area of the restaurant cannot be made. The increased service area requires an additional eight parking spaces, increases the parking deficit, and does not comply with all the provisions of the Malibu Municipal Code parking requirements.

2. Amending the existing CUP to include an expanded service area and increased number of seats exacerbates an existing non-conforming condition with regards to parking. The proposed valet plan does not a safe alternative to the parking requirement and, therefore, the proposed amendment would impair the integrity of the CC zoning district.

3. The subject site is not physically suitable to support a restaurant with increased service area and increased seating capacity. The increased area requires an additional eight parking spaces. The existing shopping center is existing non-conforming with regards to parking and the findings for the variance for relief of the parking requirement cannot be made.

4. The proposed increase in service area and seating capacity would exacerbate an existing non-conforming parking condition within the center. This increased non-conforming condition will create congestion within the surrounding neighborhood that is incompatible with the land uses on the subject property and in the surrounding neighborhood.

5. Similarly, the increased congestion resulting from the non-conforming condition is not compatible with the existing or future land uses within the surrounding neighborhood.

6. As proposed the valet parking plan would increase congestion in the northern parking lot and result in congestion spreading onto Pacific Coast Highway. The congestion within the parking lot would limit public access to the center for both pedestrians and emergency services.

7. The proposed application, though consistent within the CC zoning district, does not provide adequate off-street parking and creates potential safety hazards along Pacific Coast Highway. Therefore, the application is not consistent with goals, objectives and policies of the General Plan.

8. As previously stated, the proposed valet plan would increase congestion within the center and, therefore, cannot be supported. The increased congestion could be detrimental to public interest, health, safety, convenience or welfare.

#### SECTION 4. Planning Commission Denial.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby denies, without prejudice, CDPA No. 16-007, CUPA No. 16-001 and VAR No. 16-020.

SECTION 5. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of October 2016.

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JOHN MAZZA, Planning Commission Chair

ATTEST:

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KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to LCP 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](http://www.malibucity.org), in person at City Hall, or by calling (310) 456-2489, ext. 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-79 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 17<sup>th</sup> day of October, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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KATHLEEN STECKO, Recording Secretary

**CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 14-70**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU APPROVING COASTAL DEVELOPMENT PERMIT NO. 13-072, VARIANCE NO. 13-038, SITE PLAN REVIEW NO. 14-023, DEMOLITION PERMIT NO. 13-025, AND CONDITIONAL USE PERMIT NOS. 14-001 AND 14-002, AN APPLICATION FOR THE RENOVATION OF AN EXISTING SHOPPING CENTER, INCLUDING THE DEMOLITION OF EXTERIOR WALLS, ADDITION OF NEW RESTROOMS WITH NEW FIXTURE UNITS, NEW PARAPET WALLS, SECOND STORY WALKWAYS, EXTERIOR STAIRCASE, REMOVAL OF EXISTING MECHANICAL EQUIPMENT FOR NEW MECHANICAL EQUIPMENT, PARKING LOT RESTRIPIING, RE-ROOFING, LANDSCAPING, LIGHTING, SLOPE REPAIR AND RETAINING WALLS, AN ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM, A VARIANCE FOR DEVELOPMENT ON SLOPES STEEPER THAN 2½ TO 1, A SITE PLAN REVIEW FOR DEVELOPMENT UP TO 21 FEET IN HEIGHT, AND TWO CONDITIONAL USE PERMITS TO ALLOW FOR THE CONTINUED OPERATION OF TWO RESTAURANTS (THAI DISHES AND FORMERLY JOHNNIE'S NEW YORK PIZZERIA) FOR THE MALIBU SANDS SHOPPING CENTER LOCATED AT 22333 PACIFIC COAST HIGHWAY, COMMUNITY COMMERCIAL ZONING DISTRICT (KENNEDY WILSON)**

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1.      Recitals.

- A.      On August 22, 2013, a Coastal Development Permit application was filed with the City for the subject property.
- B.      On December 21, 2013, a Notice of Application was posted on the subject property.
- C.      On June 2, 2014, the application was deemed complete for processing.
- D.      On June 12, 2014, a Notice of 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 7, 2014, 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 California Environmental Quality Act (CEQA), the Planning Commission has analyzed the project as previously described. The Planning Commission has found that this project is listed among the classes of projects that have been determined to have less than significant adverse effect on the environment and therefore, exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared and issued pursuant to CEQA Guidelines Section 15301(a) – Interior and Exterior Alterations. 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 Approval and Findings.

Based on substantial evidence contained within the record and pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7.B and 13.9, the Planning Commission adopts the findings in the staff report, the findings of fact below, and approves Coastal Development Permit (CDP) No. 13-072, Variance (VAR) No. 13-038, Site Plan Review (SPR) No. 14-023, and Demolition Permit (DP) No. 13-025.

The proposed project has been reviewed by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the Los Angeles County Fire Department (LACFD). The project has been determined to be consistent with all applicable LCP codes, standards, goals and policies.

Pursuant to LIP Section 13.9, the following four findings need to be made for all Coastal Development Permits.

**A. General Coastal Development Permit (LIP Chapter 13)**

LIP Section 13.9 requires that the following four findings be made for all CDPs.

*Finding A1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.*

As discussed herein, the project has been reviewed for conformance with all relevant policies and provisions of the LCP. The project proposes the remodel of an existing shopping center, given the scope of the work proposed, the project complies with the LIP's definition of a remodel in that no more than 50 percent of the existing exterior walls will be removed. Based on the submitted materials, visual analysis and detailed site investigation, the proposed project, as conditioned complies with the LCP with the inclusion of the variance for construction on slopes, and site plan review for height.

*Finding A2. If the project is located between the first public road and the sea, that the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).*

The project is located on the inland side of Pacific Coast Highway and does not offer beach access. In addition, the subject property does not contain any trails as depicted on the LCP Park Lands Map. Therefore, 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).

*Finding A3. The project is the least environmentally damaging alternative.*

Pursuant to CEQA, this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and is categorically exempt from CEQA pursuant to Section 15301. The proposed project would not result in significant adverse effects on the environment, within the meaning of CEQA, and there are no feasible alternatives that would further reduce any impacts on the environment. The project will not result in potentially significant impacts on the physical environment.

Three alternatives were considered to determine which was the least environmentally damaging.

No Project – The no project alternative would avoid any change to the project site and the existing development would remain. In addition, the existing failed OWTS would not be replaced. However, this project alternative would not accomplish any of the project objectives and therefore, is not viable project option.

Alternative Project – The applicant could demolish the existing shopping center and reconstruct a smaller shopping center. However, the subject property does not contain any environmentally sensitive habitat area (ESHA) and is dominated by a slope that ascends towards Carbon Canyon. Given the site's topography it is not anticipated that new structure could be built that complies with the setbacks and parking standards contained in the LIP; therefore, it is not anticipated that this project alternative would offer significant environmental advantages.

Proposed Project – The project will allow for the reuse and remodel of the existing Malibu Sands Shopping Center. Since only 27 percent of the existing exterior walls will be replaced as part of the remodel, the project will not result in the expansion or reconstruction of the existing shopping center and therefore the existing non-conforming setbacks, parking in the required front yard, and floor area may be maintained. In addition, a slope repair is proposed that will result in increased site stability. The scope of work that is proposed has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City Geologist, City's Public Works Department, and the LACFD and meets the City's commercial development policies and standards. Therefore, the project, as proposed, is the least environmentally damaging alternative.

*Finding A4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.*

The project site is not designated as ESHA on the LCP ESHA Overlay Map. The project was reviewed by staff and it was determined that the project is sited within the existing development envelope and, therefore, is exempt from review by the Environmental Review Board pursuant to LIP Section 4.4.4.

**B. Variance for Construction of Structures on Slopes Steeper than 2½ to 1 (LIP Section 13.26.5)**

A variance is requested for the construction of a retaining wall and portions of the proposed alternative onsite wastewater treatment system (AOWTS) that will be on slopes in excess of 2½ to 1. Pursuant to LIP Section 13.26.5, the Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes ten findings of fact. Based on the evidence contained within the record, the Planning Commission approves VAR No. 13-038 as follows.

*Finding B1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.*

The subject property is currently developed with a commercial shopping center; to the rear of the existing building there is a steep slope that ascends toward Carbon Terrace Road. Based on the existing site conditions and geotechnical reports, retaining walls are required to protect the existing structure from slope instability. In addition, the existing onsite wastewater treatment system has failed and needs to be replaced with a new AOWTS. The treatment units that are associated with the new AOWTS need to be located at the rear of the structure on the steep portions of the existing slope. It is because of the existing site constraints and relatively small building pad that construction on slopes steeper than 2½ to 1 is required. In addition, given the existing development onsite, no impacts to visual resources are expected with approval of the subject variance. Denial of the variance would deprive the property owner of privileges enjoyed by other properties in the vicinity and under the identical zoning classification, as well as feasible measures that are necessary to increase the safety and stability of the ascending slopes on the property.

*Finding B2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.*

The granting of the requested variance will allow for the construction of retaining walls and installation of treatment units that are associated with the new AOWTS that will be installed on the subject property. Based on the geotechnical reports completed by GeoDesign, Inc., dated October 14, 2013 and August 20, 2013, Land Phases, Inc., dated October 11, 2013, March 19, 2013, and February 28, 2008, and Calwest Geotechnical dated April 2, 2013, it is apparent that the slope located to the

rear of the existing shopping center needs to be stabilized. The subject variance will allow for the installation of a retaining wall along the toe of the slope as well as one near the top of the slope. It has been determined that the installation of the retaining walls on steep slopes is not expected to negatively slope stability. It is anticipated that the work that is proposed will increase the stability of the existing slope.

The proposed construction will not be detrimental to the public's interest, safety, health or welfare and furthermore, it will not be detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property. In addition, it will allow for the installation of a new AOWTS to replace a failed wastewater treatment system. The granting of the requested variance will improve the safety and welfare of the subject property owner as well as surrounding property owners.

The project was reviewed by the City Geologist, City Public Works Department, City Biologist, LACFD, and Planning Department staff. All recommendations of the various City departments will be incorporated into the project.

*Finding B3. The granting of the variance will not constitute a special privilege to the applicant or property owner.*

The granting of the variance will not constitute a special privilege to the applicants or property owners. Approval of the variance will grant relief from a technical development standard (that construction is limited to flat areas to minimize landform alteration and visual impacts), which if strictly applied, would be detrimental to the safety of those on the subject property. No alternate location for placement of the retaining walls and AOWTS components is available on this property due to sloping topography and existing development occupying the flattest portion of the site.

*Finding B4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the Local Coastal Program.*

The granting of this variance will not be contrary to or in conflict with the general purposes and intent of the zoning provisions, nor to the goals, objectives and policies of the LCP. As previously stated, granting the requested variance will allow commercial use of the site and protect existing slopes from potential failure.

*Finding B5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.*

The variance is not related to ESHA buffer standards. Therefore, this finding does not apply.

*Finding B6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by LIP Chapter 12.*

The variance is not related to stringline standards. Therefore, this finding does not apply.

*Finding B7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.*

The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted in the CC zoning district. The proposed project is consistent with the purpose and intent of the commercial zone in which the subject parcel is located.

*Finding B8. The subject site is physically suitable for the proposed variance.*

The granting of the variance will permit the construction of retaining walls and installation of wastewater treatment units on slopes in excess of 2½ 5 to 1. The subject site is physically suitable for the proposed variance in that there is no alternate method or configuration which would eliminate the need for the variance request. As previously stated, the project has been reviewed and approved by the City Geologist. The project was reviewed and approved for structural integrity and stability. All final recommendations of the applicant's geotechnical and structure engineer as well as those recommendations of the Environmental Sustainability Department, the City Geologist and City Public Works Department were incorporated into the project.

*Finding B9. The variance complies with all requirements of state and local law.*

The variance complies with all requirements of state and local law. The project complies with all building code requirements and will incorporate all recommendations from applicable City agencies and consultants.

*Finding B10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.*

The variance is not related to the reduction or elimination of public parking. Therefore, this finding does not apply

### **C. Site Plan Review for Construction in Excess of 18 Feet in Height (LIP Section 13.27.5)**

LIP Section 13.27.5(A) requires that the City make four findings in the consideration and approval of a site plan review for construction in excess of the City's base 18 feet in height up to a maximum of 24 feet with a flat roof. Two additional findings are required pursuant to M.M.C. Section 17.62.050. The applicant has proposed to reconstruct the existing flat roof and associated parapet. The top of the parapet will be 21 feet above existing grade at its highest point. Based on the evidence in the record, the findings of fact for SPR No. 14-023 are made as follows:

*Finding C1. The project is consistent with policies and provisions of the Malibu LCP.*

As discussed herein, the project has been reviewed for all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and detailed site investigation, the project is consistent with all policies and provisions of the LCP.

*Finding C2. The project does not adversely affect neighborhood character.*

The project site is located along the land side of Pacific Coast Highway and is surrounded by a mix of commercial and residential development that consists of both single and multi-story structures. Given the location of the existing and building and neighboring development, the replacement of the existing roof is not expected to be out of character for the existing development. Therefore, the project is not anticipated to adversely affect neighborhood character.

*Finding C3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.*

The project is located along the land side of Pacific Coast Highway which is a scenic road, however pursuant to LUP policy no. 6.4 this portion of Pacific Coast Highway is not a scenic area. Given the location of the project and the implementation of standard conditions of approval, the project is expected to have less than significant impacts to scenic vistas and provides the maximum feasible protection to significant public views as required by LIP Chapter 6.

*Finding C4. The proposed project complies with all applicable requirements of state and local law.*

The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies, such as the LACFD.

*Finding C5. The project is consistent with the City's general plan and local coastal program.*

As discussed previously in Finding A1, the proposed project is consistent with the LCP in that the proposed project is located in an area that has been identified for commercial use. The goals and policies of the General Plan are intended to maintain community commercial character in this area, and the project is consistent with these goals. The proposed project is consistent with the LCP in that it conforms to the residential land use designation.

*Finding C6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in M.M.C. Section 17.40.040(A)(17).*

Based on the visual impact analysis (aerial photographs and site visits), it has been determined that the proposed development does not impact the primary view of neighboring properties. The residential properties directly behind the subject property are undeveloped and located at a higher elevation that allows them to look over the site and view the Pacific Ocean. Approval of the site plan review will allow for development up 21 feet in height for the reconstruction of an existing parapet and flat roof. A Notice of Application was posted on the property. To date, no comments from the public have been received regarding primary views.

**D. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)**

As discussed previously Finding A4, the project is sited within the existing development envelope and no ESHA exists onsite. The project was reviewed by staff and it was determined that the project is not expected to impact sensitive resources or result in significant loss of vegetation or wildlife. Accordingly, the supplemental ESHA findings pursuant to LIP Section 4.7.6(C) are not applicable.

**E. Native Tree Protection (LIP Chapter 5)**

The subject property does not contain any native trees and therefore, the findings of LIP Chapter 5 are not applicable.

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

The Scenic, Visual and Hillside Resource Protection Chapter governs those CDP applications concerning any parcel of land that is located along, within, provide views to or is visible from any scenic area, scenic road or public viewing area. Based on review of the subject application the Planning Commission has determined that the subject site is visible from Pacific Coast Highway.

However, the proposed project is not anticipated to impede significant public views due to the extent of existing development and landscaping in the surrounding area. As discussed throughout this report no new development is proposed. Approval of this Resolution will allow for the remodel and renovation of the existing shopping center. The project, as conditioned, will have less than significant adverse visual impacts to public views due to project design and location. Nonetheless, LIP Chapter 6 applies and the five findings set forth in LIP Section 6.4 are made as follows.

*Finding F1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.*

The project site is directly adjacent to Pacific Coast Highway, however this portion of Pacific Coast Highway is not considered a scenic area. Furthermore, the project consists of a remodel and renovation of the existing shopping center. Based on the evidence in the record, the proposed development will not impact scenic views of the Santa Monica Mountains because the site is surrounded by existing residential and commercial development. The project, as proposed, will not have significant adverse scenic or visual impacts due to the project design, location on the site or other reasons.

*Finding F2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.*

As discussed in Finding F1, the proposed remodel, as conditioned, will not have significant adverse scenic or visual impacts.

*Finding F3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

The project, as proposed, consists of a remodel to an existing shopping center. As discussed in

Finding A3, the proposed development is the least environmentally damaging alternative.

*Finding F4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.*

As previously discussed, the project, as proposed and conditioned, is the most feasible design to avoid or substantially lessen adverse significant impacts on scenic or visual resources. The project consists of a remodel to an existing shopping center, no changes to the height or location of the existing building are proposed.

*Finding F5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.*

As discussed previously in Finding A3, the project consists of the remodel of an existing shopping center on a parcel that does not contain ESHA or other sensitive resources.

#### **G. Transfer of Development Credit (LIP Chapter 7)**

According to LIP Section 7.2, transfer of development credits applies to land divisions and multi-family development in specified zones. The proposed project does not include a land division or multi-family development; therefore, the findings in LIP Chapter 7 do not apply.

#### **H. 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 in or near an area subject to these hazards. The project was analyzed for the hazards listed in the LIP Section 9.2.A.1-7 by the City Public Works Department and City Geologist, and has been determined to be consistent with all relevant policies and regulations of the LCP. Nonetheless, the findings set forth in LIP Chapter 9 are made as follows.

*Finding H1. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.*

The Soils and Geologic Investigation completed by GeoDesign, Inc., dated October 14, 2013 and August 20, 2013, Land Phases, Inc., dated October 11, 2013, March 19, 2013, and February 28, 2008, and Calwest Geotechnical dated April 2, 2013 determined that the location of the existing shopping center is free from geological hazards. In addition, the project is not expected to increase site instability since retaining walls will be added to the slope located to the rear of the existing structure. Upon completion of the project stability of the slope will be increased.

*Finding H2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.*

As previously discussed in Finding H1, the proposed project has been determined not to adversely affect the stability or structural integrity of the site from geologic, flood, fire, or other hazards as proposed and conditions. The project if approved, will be reviewed by the City's Building and Safety Department to ensure that it will not have significant adverse impacts on the site stability or structural integrity.

*Finding H3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

As discussed in Finding A3, the project as proposed and conditioned is the least environmentally damaging alternative.

*Finding H4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.*

The proposed project is for the remodel of an existing shopping center that was constructed in 1955, no new additions are proposed as part of this application. The existing stability of the site will be maintained and the remodel will be reviewed by the City's Building and Safety Department prior to construction to ensure compliance with all health and safety codes. As discussed in Finding A3, there are no feasible alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

*Finding H5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.*

As discussed in Finding A3, the proposed development is the least environmentally damaging alternative. The subject parcel does not contain ESHA or sensitive resources and, therefore, the proposed development directly contributes to conformance with the sensitive resource policies set forth in the LCP.

#### **I. Shoreline and Bluff Development (LIP Chapter 10)**

LIP Chapter 10 applies to land that is located on or along the shoreline, a coastal bluff or bluff top fronting the shoreline. The proposed project is not located near the shore. Therefore, LIP Chapter 10 does not apply.

#### **J. Public Access (LIP Chapter 12)**

LIP Chapter 12 requires public access for lateral, bluff-top, and vertical access near the ocean, trails, and recreational access. The subject parcel is not located along the shore on a bluff top. No planned or developed trails, parkland, or offer to dedicate trail easements exist on or adjacent to the subject parcel as indicated on the 2002 LCP Park Lands Map and City's March 2004 Trails System Map. Therefore, LIP Chapter 12 does not apply.

## **K. Land Division (LIP Chapter 15)**

The project does not include a land division. Therefore, LIP Chapter 15 does not apply.

## **L. Demolition Permit (M.M.C. Section 17.70)**

A demolition permit shall be required for the demolition of any building or structure or portion of a building or structure, except for a demolition initiated by the City and ordered or authorized under the provisions of the building code. This project includes DP No. 13-025 for the remodel of the existing commercial shopping center and the demolition of an unpermitted accessory structure that currently exists onsite. The required findings are made in below.

*Finding L1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.*

Section 7 of this Resolution includes conditions of approval to ensure that the project will not create significant adverse environmental impacts. These conditions include the requirement to recycle all recoverable material for a minimum 50 percent diversion goal.

*Finding L2. A development plan has been approved or the requirement waived by the City.*

A coastal development permit application is being processed concurrently with the demolition permit. The demolition permit will not be approved unless this Resolution is adopted.

## **Section 4. Conditional Use Permit No. 14-001 Approval and Findings.**

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CUPA No. 14-001 for Thai Dishes (Unit 107), subject to the conditions listed below.

The applicant has applied for a CUP to allow for the continued operation of the Thai Dishes restaurant in its current tenant space. Currently, this restaurant has a 866-square foot indoor service area and the hours of operation are from 10:00 a.m. to 10:00 p.m. Sunday through Thursday (closed on Tuesdays) and 10:00 a.m. to 11:00 p.m. Friday and Saturday. The existing outdoor dining service will be eliminated as part of this CUP. A restaurant has been in this tenant space prior to the incorporation of the City. In addition, the restaurant currently has a liquor license to serve beer and wine and no changes to this license are proposed. Currently, acoustic music is provided during the weekends with dinner service and the applicant would like to continue to offer live music as part of its dining service. To date, no complaints have been filed with the City regarding music in the restaurant.

Pursuant to M.M.C. Sections 17.24.030(B) and (D) restaurants and live music are conditionally permitted uses in the CC zoning district. Based on evidence in the record including all written and oral testimony and pursuant to M.M.C. Section 17.66.080, the Planning Commission hereby makes the following findings of fact and approves CUP No. 14-001.

*Finding 1. The proposed use is one that is conditionally permitted within the subject zone and*

*complies with the intent of all of the applicable provisions of Title 17 of the Malibu Municipal Code.*

Pursuant to M.M.C. Section 17.24.030(B), restaurants are conditionally permitted uses in the CC zoning district. In addition, M.M.C. Section 17.24.030(D) allows for live music and the property owner would like to continue to offer patrons indoor live acoustic music. The project has been conditioned to comply with all applicable provisions of the M.M.C.

*Finding 2. The proposed use would not impair the integrity and character of the zoning district in which it is located.*

The proposed project is located at 22333 Pacific Coast Highway which is currently developed with a shopping center which houses the proposed restaurant as well as a second restaurant which is the subject of CUP No. 14-002 (Johnnie's New York Pizzeria). The surrounding properties are developed with a mix of commercial and residential land uses. It is not expected that the proposed restaurant use would impair the integrity and character of the CC zoning district.

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

The proposed project will not affect the overall exterior of the physical structure. Currently a CDP is being processed as a component of this application which will approve the remodel of the existing shopping center. In addition, a new AOWTS will be installed and that system has been designed to support the two proposed restaurant uses that are anticipated as part of the daily operation of the shopping center. The existing parking lot will be restriped as part of the project approval and a parking study was reviewed by the City's Public Works Department which determined that the existing parking could support the proposed restaurant use. In addition, the City's Public Works Department has determined that given the hours of operation and the amount of vehicles traveling along Pacific Coast Highway, left-hand turns out from the parking lot and onto Pacific Coast Highway should be prohibited. A condition of approval has been included in this resolution requiring the posting of no left-hand turn signage onto Pacific Coast Highway.

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

As discussed in Finding 2, the site has been commercially developed since 1955, and as part of that development, two restaurants are currently operating onsite. The proposed use will not result in an expansion of the previously approved restaurant use or any other use on the site. In addition, a parking study was completed that determined that the proposed hours of operation would not impact surrounding uses. Therefore, the use is compatible with onsite uses and other uses in the surrounding neighborhood.

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

The restaurant will continue to operate in its current tenant space and no changes to the existing hours of operation or service area are proposed. The subject property is zoned commercial and was developed under commercial standards; therefore, the proposed use is compatible with existing and future land uses within the zoning district. The proposed use is compatible with the general area in

which it is located in that the surrounding land uses are comprised of a wide range of commercial and residential uses.

*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 the staff.*

The proposed use will be served by existing utilities. Consequently, the City Environmental Health Administrator has reviewed the proposal and determined that the AOWTS that is included as part of this resolution can accommodate the proposed use. The project will not affect solar access or adversely impact existing public or private views.

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

The subject application will allow for the operation of a restaurant on a site that has been commercially developed since 1955. The restaurant is located along Pacific Coast Highway and based on the submitted parking assessment the use is not expected to have an impact on surrounding parking or traffic flows since adequate parking is provided onsite. Therefore, it is not expected that the proposed use will impact beach parking along Pacific Coast Highway.

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

The use is a conditionally permitted commercial use in the CC zoning district and, as conditioned, is consistent with goals, objectives and policies of the General Plan. In addition, restaurant uses on the subject property have been in place prior to the adoption of the City's General Plan. Furthermore, the use is located in an area identified for visitor serving uses.

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

The proposed project will comply with all applicable requirements of state and local law and is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies, such as Alcohol Beverage Control Board (ABC), the Regional Water Quality Control Board, and the Los Angeles County Fire Department.

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

Restaurants, and live music are conditionally permitted uses in the CC zoning district. As conditioned, the proposed uses will 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 project will not be at risk from earth movement and flood hazards since the application only involves a change in use on an existing, developed property. The building footprint and envelope will not change; therefore, there is no new impact related to earth movement, flooding, or liquefaction.

Section 5. Conditional Use Permit No. 14-002 Approval and Findings.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CUPA No. 14-002 for Johnnie's New York Pizzeria (Unit 1), subject to the conditions listed below.

The applicant has applied for a CUP to allow for the continued operation of Johnnie's New York Pizzeria restaurant in its current tenant space. Currently, this restaurant has a 350-square foot service area and the hours of operation are from 10:00 a.m. to 8:00 p.m. daily. However, the applicant has requested that this CUP modify the existing hours of operation to allow the restaurant to close at 10:00 p.m.. Currently there are no plans to utilize these additional hours of operation, but the applicant would like the flexibility to modify the hours of operation if the demand is present. In addition, there is currently outdoor dining on a patio that is located directly adjacent to the rear of the tenant space; this outdoor dining will be eliminated as part of the proposed project. A restaurant has been in this tenant space prior to the incorporation of the City. Currently, acoustic music is provided during the weekend with dinner service and the applicant would like to continue to offer live acoustic music as part of its dining service. To date, no complaints have been filed with the City regarding music in the restaurant.

Pursuant to M.M.C. Sections 17.24.030(B) and (D) restaurants and live music are conditionally permitted uses in the CC zoning district. Based on evidence in the record including all written and oral testimony and pursuant to M.M.C. Section 17.66.080, the Planning Commission hereby makes the following findings of fact and approves CUP No. 14-002.

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

Pursuant to M.M.C. Section 17.24.030(B), restaurants are conditionally permitted uses in the CC zoning district. In addition, M.M.C. Section 17.24.030(D) allows for the live music and the property owner would like to offer patrons indoor live acoustic music. The project has been conditioned to comply with all applicable provisions of the M.M.C.

*Finding 2. The proposed use would not impair the integrity and character of the zoning district in which it is located.*

The proposed project is located at 22333 Pacific Coast Highway which is currently developed with a shopping center which houses the proposed restaurant as well as a second restaurant which is the subject of CUP application No. 14-001 (Thai Dishes). The surrounding properties are developed with a mix of commercial and residential land uses. It is not expected that the proposed restaurant use would impair the integrity and character of the CC zoning district.

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

The proposed project will not affect the overall exterior of the physical structure. Currently, a CDP is being processed as a component of this application which will approve the remodel of the existing shopping center. In addition, a new AOWTS will be installed and that system has been designed to support the two proposed restaurant uses that are anticipated as part of the daily operation of the shopping center. The existing parking lot will be restriped as part of the project approval and a parking study was reviewed by the City's Public Works Department which determined that the existing parking could support the proposed restaurant use. In addition, the City's Public Works Department has determined that given the hours of operation and the amount of vehicles traveling along Pacific Coast Highway, left-hand turns from the parking lot and onto Pacific Coast Highway should be prohibited. A condition of approval has been included in this resolution requiring the posting of no left-hand turn signage onto Pacific Coast Highway.

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

As discussed in Finding E2, the site has been commercially developed since 1955, and as part of that development, two restaurants are currently operating onsite. The proposed use will not result in an expansion of the previously approved restaurant use or any other use on the site. In addition, a parking study was completed that determined that the proposed hours of operation would not impact surrounding uses. Therefore, the use is compatible with onsite uses and other uses in the surrounding neighborhood.

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

The restaurant will continue to operate in its current tenant space and no changes to the existing hours of operation or service area are proposed. The subject property is zoned commercial and was developed under commercial standards; therefore, the proposed use is compatible with existing and future land uses within the zoning district. The proposed use is compatible with the general area in which it is located in that the surrounding land uses are comprised of a wide range of commercial and residential uses.

*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 the staff.*

The proposed use will be served by existing utilities. Consequently, the City Environmental Health Administrator has reviewed the proposal and determined that the AOWTS that is included as part of this resolution can accommodate the proposed use. The project will not affect solar access or adversely impact existing public or private views.

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

The subject application will allow for the operation of a restaurant on a site that has been

commercially developed since 1955. The restaurant is located along Pacific Coast Highway and based on the submitted parking assessment the use is not expected to have an impact on surrounding parking or traffic flows since adequate parking is provided onsite. Therefore, it is not expected that the proposed use will impact beach parking along Pacific Coast Highway.

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

The use is a conditionally permitted commercial use in the CC zoning district and, as conditioned, is consistent with goals, objectives and policies of the General Plan. In addition, restaurant uses on the subject property have been in place prior to the adoption of the City's General Plan. Furthermore, the use is located in an area identified for visitor serving uses.

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

The proposed project will comply with all applicable requirements of state and local law and is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies the Regional Water Quality Control Board and the Los Angeles County Fire Department.

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

Restaurants and live music are conditionally permitted uses in the CC zoning district. As conditioned, the proposed uses will 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 project will not be at risk from earth movement and flood hazards since the application only involves a change in use on an existing, developed property. The building footprint and envelope will not change; therefore, there is no new impact related to earth movement, flooding, or liquefaction.

#### Section 6. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves Coastal Development Permit No. 13-072, Variance No. 13-038, Site Plan Review No. 14-023, Demolition Permit No. 13-025, and Conditional Use Permit Nos. 14-001 and 14-002, subject to the following conditions.

Section 7. Conditions of Approval.

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 following:
  - Demolition of an unpermitted storage shed;
  - Remodel of the existing commercial structure, which will result in the modification of 27 percent of the existing walls;
  - New roof and parapet;
  - Glass storefronts with awnings;
  - New landscaping along the storefronts and on the slope for stabilization purposes;
  - Exterior lighting - Dark Sky compliant lighting;
  - Six foot tall retaining walls behind the existing building and on the slope;
  - New second floor balcony/walkway;
  - Slope repair;
  - Landscaping;
  - No changes to the structure of the existing pole sign;
  - Signage not proposed with this project and new signage subject to separate permit;
  - Community seating in rear patio for customers and employees, no restaurant use;
  - Parking Lot;
    - 43 Spaces; 5 less than current
    - Restriping and slurring of the existing asphalt pavement
    - No left-hand turn sign
  - Installation of a new alternative onsite wastewater treatment system; and
  - Conditional Use Permit No. 14-001 (Thai Dishes / Unit 107)
    - Hours of operation: Sunday through Thursday 10:00 a.m. to 10:00 p.m.; and Friday and Saturday: 10:00 a.m. to 11:00 p.m.
    - 866 square feet of service area
    - 57 seats indoor seating; outdoor seating eliminated
    - Live or recorded music
    - No changes in liquor license – beer and wine only.
  - Conditional Use Permit No. 14-001 (former Johnnie's New York Pizzeria / Unit 1)
    - Hours of operation: Daily: 10:00 a.m. to 10:00 p.m.
    - 350 square feet of service area
    - 29 seats indoor seating; outdoor seating eliminated
    - Live or recorded music
    - No liquor license.
  - Does not allow for continued use of former third restaurant (China Den.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file

with the Planning Department, date-stamped **May 6, 2014**. In the event the 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 and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and prior to issuance of any development permits.
5. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to the issuance of any building or development permits.
6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets, attached to the agenda report for this project, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.
7. This CDP shall be null and void if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted, or work has commenced and substantial progress has been made (as determined by the Building Official) and the work is continuing under a valid building permit. If no building permit is required, the CDP approval shall expire after three years from the date of final planning approval if construction is not completed. 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.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
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 M.M.C. and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.
10. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals have been exhausted.

#### *Cultural Resources*

11. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in M.M.C. Section 17.54.040(D)(4)(b) shall be followed.
12. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health

and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

### **Building Plan Check**

#### ***Demolition/Solid Waste***

13. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.
14. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.
15. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction waste generated by the project.
16. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six month period. Dust control measures must be in place if construction does not commence within 30 days.
17. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, State and local regulations.

#### ***Geology***

18. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City Geologist shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City Geologist prior to the issuance of a grading permit.
19. Final plans approved by the City Geologist shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

### ***Onsite Wastewater Treatment System***

20. Approval for occupancy discharging high strength wastewater shall not be issued prior to the installation of the wastewater system upgrade proceeding under separate permit for Coastal Development Permit No. 13-072.
21. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu's Onsite Wastewater Treatment regulations including provisions of LIP Section 18.9 related to continued operation, maintenance and monitoring of the AOWTS.
22. Prior to final Environmental Health approval, a final AOWTS plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the Malibu Plumbing Code and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The AOWTS plot plan shall show essential features of the AOWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).
23. Any above-ground equipment associated with the installation of the AOWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.
24. The final design report shall contain the following information (in addition to the items listed above).
  - a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
  - b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
  - c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in

- units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak AOWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and
- d. All final design drawings shall be submitted with the wet signature and typed name of the AOWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For AOWTS final designs, full-size plans are required for review by Building Safety Division and/or Planning Department.
  - e. H2O Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
25. Prior to final Environmental Health approval, the applicant shall provide engineer's certification for reduction in setbacks to buildings or structures: All proposed reductions in setback from the OWTS to structures (i.e., setbacks less than those shown in Malibu Plumbing Code Take K-1) must be supported by a letter from the project structural engineer and a letter from the project soils engineer (i.e., a geotechnical engineer or civil engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the OWTS, and will not adversely affect the structural integrity of the structures for which the Table K-1 setback is reduced. Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced. All proposed reductions in setback from the OWTS to buildings (i.e., setbacks less than those shown in Table K-1) also must be supported by a letter from the project architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California-licensed architect, then the required architect's certification may be supplied by an engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setbacks to the wastewater system. In this case, the engineer must include in his/her letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback, then the architect or engineer must provide associated construction documents for review and approval during Building Safety plan check. The wastewater plans and the construction plans must be specifically referenced in all certification letters.
26. The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The

obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents.”

27. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder’s Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Building Safety Division.
28. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
29. An operations and maintenance manual specified by the AOWTS designer shall be submitted to the City Environmental Health Administrator. This shall be the same operations and maintenance manual submitted to the owner and/or operator of the proposed AOWTS following installation.
30. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed AOWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
31. Prior to final Environmental Health approval, a covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder’s Office. Said covenant shall serve as constructive, notice to any future purchaser for value that the AOWTS serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix K, Section 10). Said covenant shall be provided by the City of Malibu Environmental Health Administrator and shall be submitted to the City of Malibu with proof of recordation by the Los Angeles County Recorder.
32. The City Geologist and Geotechnical Engineer’s final approval shall be submitted to the City Environmental Health Administrator.
33. In accordance with M.M.C. Chapter 15.14, an application shall be made to the Environmental and Building Safety Division for an OWTS operating permit.

### ***Grading/Drainage/Hydrology***

34. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.
35. The Total Grading Yardage Verification Certificate (December 21, 2013) shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitute may be accepted.
36. A Grading and Drainage Plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:
  - a. Public Works Department general notes;
  - b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
  - c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
  - d. The limits of land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
  - e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
  - f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
  - g. Private storm drain systems shall be shown on this plan. Systems greater than 12 inches in diameter shall also have a plan and profile for the system included with this plan.
37. A Wet Weather Erosion and Sediment Control Plan is required, and shall be submitted to the Public Works Department prior to the issuance of grading permits if grading or construction activity is anticipated to occur during the rainy season. The following elements shall be included in this plan:
  - a. Locations where concentrated runoff will occur;
  - b. Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures;
  - c. Location and sizing criteria for silt basins, sandbag barriers and silt fencing; and
  - d. Stabilized construction entrance and a monitoring program for the sweeping of material tracked offsite.
38. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted for review and approval by the Public Works Department prior to issuance of building permits. This plan shall include:

- a. Dust Control Plan for the management of fugitive dust during extended periods without rain;
  - b. Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff;
  - c. Designated areas for the construction portable toilets that separates them from storm water runoff and limits the potential for upset; and
  - d. Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent the discharge of runoff through the waste.
39. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.B.2.
  40. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations.
  41. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-construction BMP's and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.
  42. The applicant shall label all City/County storm drain inlets within 250 feet from each property line per the City of Malibu's standard label template. A note shall be placed on the project plans that address this condition.
  43. Earthmoving during the rainy season (extending from November 1 to March 31) shall be prohibited for development that includes grading on slopes greater than 4 to 1. Approved grading operations shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the Planning Director or Deputy Building Official determines that completion of grading would be more protective of resources.
  44. Exported soil from a site shall be taken to the Los Angeles County landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.
  45. All cut and fill slopes shall be stabilized with landscaping at the completion of final grading.
  46. A Water Quality Management Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be prepared in accordance with the LIP Section 17.3.3 and all other applicable ordinances and regulations. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an

analysis of the pre-development and post-development drainage on the site. The following elements shall be included within the WQMP:

- a. Site Design Best Management Practices (BMPs);
- b. Source Control BMPs;
- c. Treatment Control BMPs;
- d. Drainage improvements;
- e. Methods for onsite percolation, site re-vegetation and an analysis for off-site project impacts;
- f. Measures to treat and infiltrate runoff from impervious areas;
- g. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
- h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits; and
- i. The WQMP shall be submitted to the Building and Safety Public Counter and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department approval of building plans for the project.

#### **Water Quality/ Water Service**

47. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve letter from Los Angeles County Waterworks District No. 29 to the Planning Department indicating the ability of the property to receive adequate water service.

#### **Construction / Framing**

48. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.
49. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.
50. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
  - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.

- b. Grading activities shall be planned during the southern California dry season (April through October).
  - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
  - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.
51. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning department for review and sign off on framing.

### ***Colors and Materials***

52. The project shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
- a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Planning Director and clearly indicated on the building plans.
  - b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
  - c. All windows shall be comprised of non-glare glass.
53. All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color of driveways and retaining walls shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.

### **Lighting**

54. Exterior lighting shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
- a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
  - b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
  - c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
  - d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;

- e. Site perimeter lighting shall be prohibited; and
  - f. Outdoor decorative lighting for aesthetic purposes is prohibited.
55. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.
56. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.
57. All lighting fixtures shall be downward facing and Dark Sky compliant.
58. With the exception of safety lighting, all shopping center lighting shall be tuned off 30 minutes after the close of business.
59. All exterior building lighting shall not be final until thirty (30) days after installation during which period the Planning Director may order dimming of any illumination found to be excessive bright.

#### **Biology/Landscaping**

60. Invasive plant species, as determined by the City of Malibu, are prohibited.
61. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).
62. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as copper arsenate.
63. The landscape and fuel modification plan shall protect natural resources in accordance with the LCP. All areas shall be planted and maintained as described in the landscape and fuel modification plan. Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.
64. Earthmoving shall be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct earthmoving activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted to the City Biologist for approval prior to the issuance of a grading permit and implemented prior to initiation of vegetation removal and/or earthmoving activities.

#### **Fuel Modification**

65. The project shall receive LACFD approval of a Final Fuel Modification Plan prior to the issuance of final building permits.

### **Prior to Occupancy**

66. Prior to issuing a Certificate of Occupancy, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.
67. Prior to Final Building inspection, the applicant shall provide the Environmental Sustainability Department with a Final Waste Reduction and Recycling Summary Report (Summary Report). The Final Summary Report shall designate all material that were land filled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the final Summary Report.
68. The applicant shall request a final planning inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
69. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval and if applicable, the issuance of the certificate of occupancy.

### **Deed Restrictions**

70. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.

### **Site Specific Conditions**

71. No left-hand turn movements to Pacific Coast Highway from the parking lot shall be allowed. The applicant shall post signs and arrows on each driveway entry that leads to Pacific Coast Highway.
72. The applicant shall submit a master sign program application for the Planning Director's approval unless such request is subject to the Planning Commission's review pursuant to the M.M.C.

### **Restaurant Operations**

73. The approved hours of operation for the restaurants are as follows:
  - A. Thai Dishes (Unit 107)

- a. Sunday through Thursday: 10:00 am to 10:00 pm
  - b. Friday and Saturday: 10:00 am to 11:00 pm
- B. Johnnie's New York Pizzeria (Unit 1)
- a. Daily: 10:00 am to 10:00 pm
74. All music (live or recorded) shall not be audible outside the restaurant or on surrounding properties.
75. All music shall be an accessory amenity to the restaurant dining.
76. Noise emanating from the premises shall not be 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 M.M.C. Section 8.24.050(L).
77. The conditional use permits only contemplates and authorizes a restaurant as the primary use of the premises. Accordingly, at least 51% of all gross revenues must be derived from the sale of food.
78. The restaurant shall contain a self-contained wash area, equipped with grease trap, shall be properly connected to Septic System.
79. At all times during the conduct of the permitted use within the Thai Dishes location the permittee shall maintain and keep in effect valid licensing approval from the Department of Alcoholic Beverage Control (ABC). Should such licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.
80. A copy of the current ABC license shall be kept on the premises of the establishment (Thai Dishes) and be presented to City staff including City's Planning Director, Code Enforcement officers, law enforcement officers or their duly authorized representatives, upon request.
81. The outdoor patio abutting the building shall not be used as additional restaurant service area.
82. No trash, recycling pickup or delivery trucks shall be permitted on site between the hours of 10:00 p.m. and 7:00 a.m. Additionally, bottles and glass containers shall not be emptied into outdoor trash or recycling bins between the hours of 10:00 p.m. and 7:00 a.m.
83. No restaurant, food packager, retail food vendor, vendor or nonprofit food provider shall provide prepared food to its customers in any food packaging that utilizes expanded polystyrene. "Expanded polystyrene" means and includes blown polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam®, a Dow Chemical Company trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Expanded polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons.

84. The tenant shall comply with the requirements set forth in M.M.C. Chapter 9.28 (Ban on Plastic Shopping Bags). No retail establishment, restaurant, vendor or nonprofit vendor shall provide plastic bags or compostable bags to customers. This requirement applies to plastic or compostable bags provided at the point of sale for the purpose of carrying away goods.

#### **Operation of the Shopping Center**

85. Outdoor wash areas shall be covered, paved, and connected to the septic system. The wash area must have secondary containment system.
86. Drainage from adjoining roofs and pavement areas shall be diverted around the trash container areas.
87. Trash container areas must be screened or walled to prevent off-site transport of trash.
88. No trash or recycling pick up is permitted between the hours of 10:00 p.m. and 8:00 a.m.
89. Bottles and glass containers shall not be emptied into outdoor trash or recycling bins between 11 p.m. and 7 a.m.

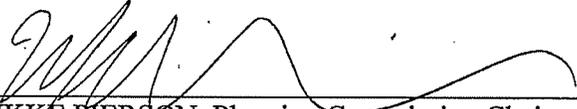
#### **Fixed Conditions**

90. This coastal development permit and associated conditional use permits shall run with the land and bind all future owners of the property.
91. Violation of any of the conditions of this approval may be cause for revocation of the coastal development permit and termination of all rights granted there under.
92. 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.
93. This conditional use permit shall become null and void should the use for which the conditional use permit was granted cease for six successive calendar months, except in the case of natural disaster.
94. If it has cause to believe that grounds for revocation or modification may exist, the Planning Commission shall hold a public hearing upon the question of modification or revocation of this conditional use permit pursuant to M.M.C. 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. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of July 2014.

  
\_\_\_\_\_  
MIKKE PIERSON, Planning Commission Chair

ATTEST:

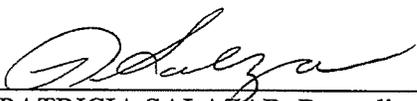
  
\_\_\_\_\_  
PATRICIA SALAZAR, Recording Secretary

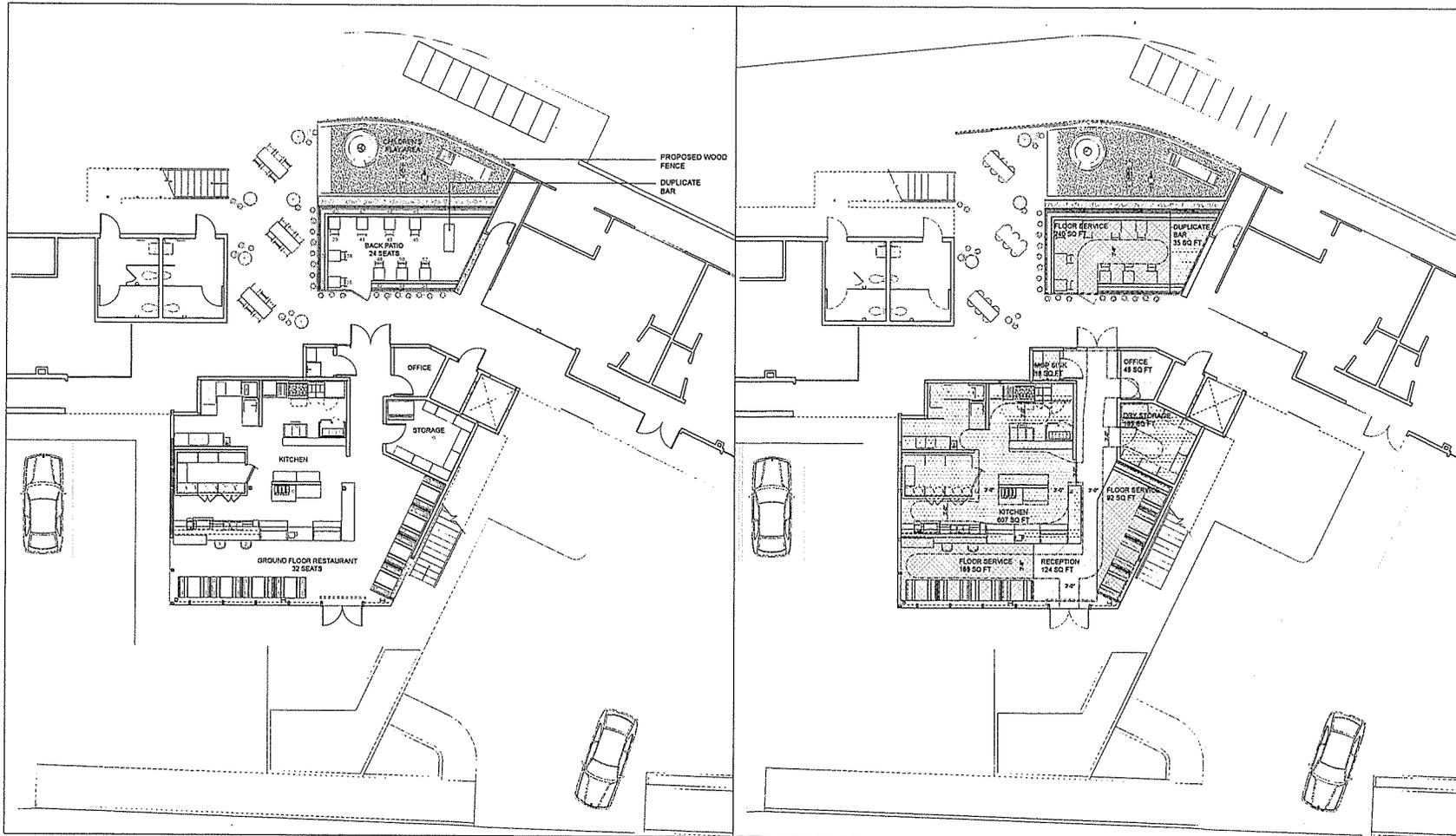
LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with 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](http://www.malibucity.org), in person at City Hall, or by calling (310) 456-2489, ext. 245.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s decision 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](http://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.  
\*Not applicable for conditional use permits.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 14-70 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 7<sup>th</sup> day of July 2014 by the following vote:

AYES: 5 Commissioners: Pierson, Brotman, Jennings, Mazza, and Stack  
NOES:  
ABSTAIN:  
ABSENT:

  
\_\_\_\_\_  
PATRICIA SALAZAR, Recording Secretary



1 SCALE: 1/8" = 1'-0" GROUND FLOOR PLAN

SEATING

TOTAL PROPOSED SEATS: 75

GROUND FLOOR :

BAR : 2  
BOOTH/BANQUETTE : 32  
PATIO TABLE : 18

TOTAL GROUND FLOOR : 52

SECOND FLOOR :

BAR : 3  
TABLE : 20

TOTAL SECOND FLOOR : 23

TOTAL GROUND FLOOR : 23

TOTAL SECOND FLOOR : 23

RECEIVED  
JUL 26 2016  
PLANNING DEPT.

2 SCALE: 1/8" = 1'-0" FLOOR SERVICE AREA PLAN - GROUND FLOOR

FLOOR SERVICE AREA

TOTAL PROPOSED FLOOR SERVICE AREA: 1,234 SQ FT

GROUND FLOOR : 520 SQ FT  
SECOND FLOOR : 714 SQ FT

TOTAL KITCHEN AREA : 714 SQ FT

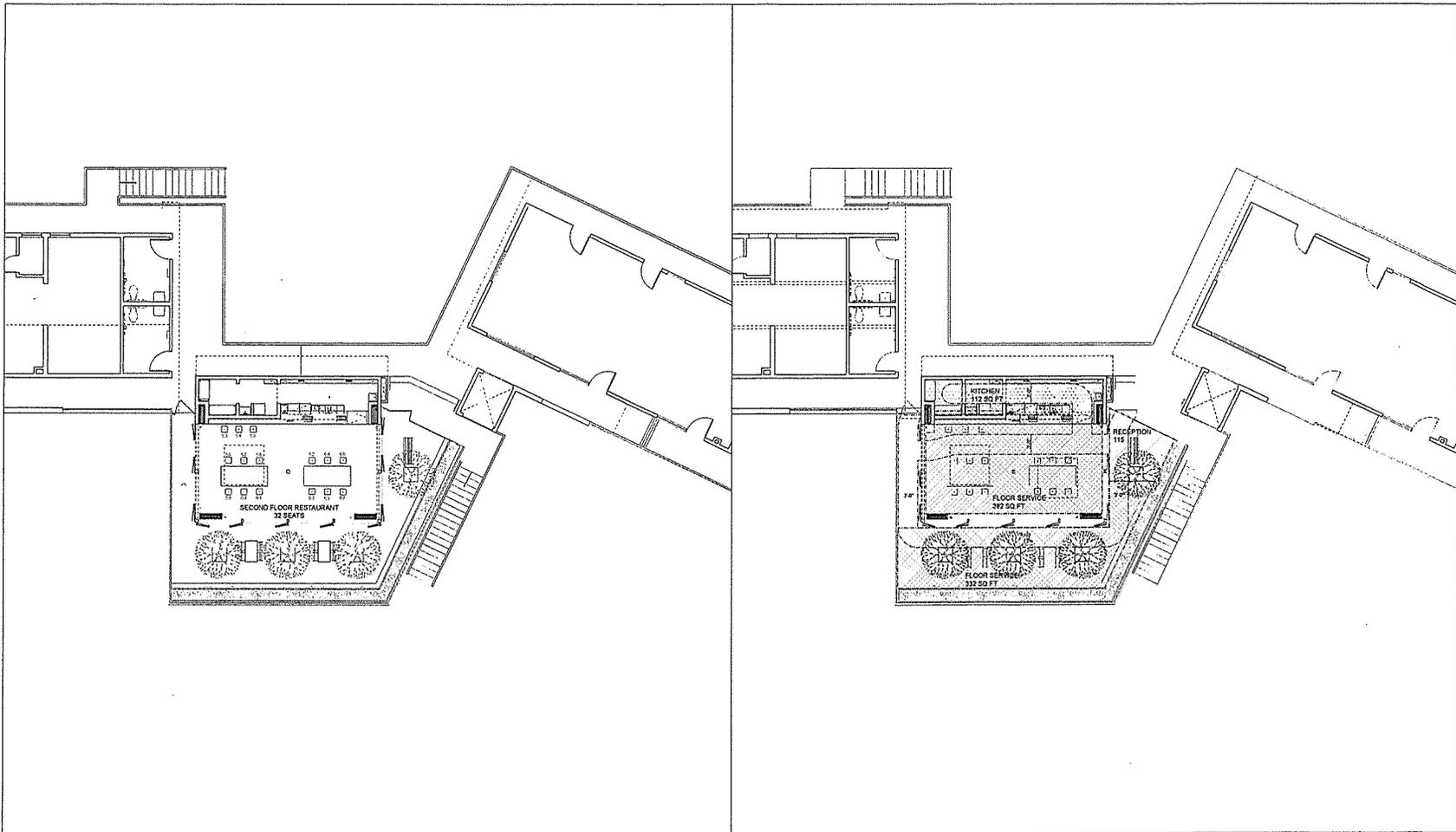
TOTAL OFFICE AREA : 48 SQ FT

TOTAL SUPPORT AREA : 494 SQ FT

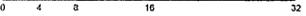
LEGEND

- FLOOR SERVICE
- KITCHEN
- SUPPORT
- OFFICE

LADG  
 151 Hampton Drive  
 Menlo Park, CA 94025  
 Tel: 650 320 0882  
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 office@ladg.com  
 www.ladg.com  
 DATE: 02-24-2016  
 PROJECT: 161



**3** SCALE: 1/8" = 1'-0" SECOND FLOOR PLAN



SEATING

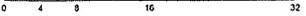
TOTAL PROPOSED SEATS: 75

GROUND FLOOR :                      SECOND FLOOR :

BAR : 2                                      BAR : 3  
 BOOTH/BANQUETTE : 32              TABLE : 20  
 PATIO TABLE : 18

TOTAL GROUND FLOOR : 52              TOTAL GROUND FLOOR : 23

**4** SCALE: 1/8" = 1'-0" FLOOR SERVICE AREA PLAN - SECOND FLOOR



FLOOR SERVICE AREA

TOTAL PROPOSED FLOOR SERVICE AREA: 1,234 SQ FT

GROUND FLOOR : 520 SQ FT  
 SECOND FLOOR : 714 SQ FT

TOTAL KITCHEN AREA : 714 SQ FT

TOTAL OFFICE AREA : 48 SQ FT

TOTAL SUPPORT AREA : 494 SQ FT

LEGEND

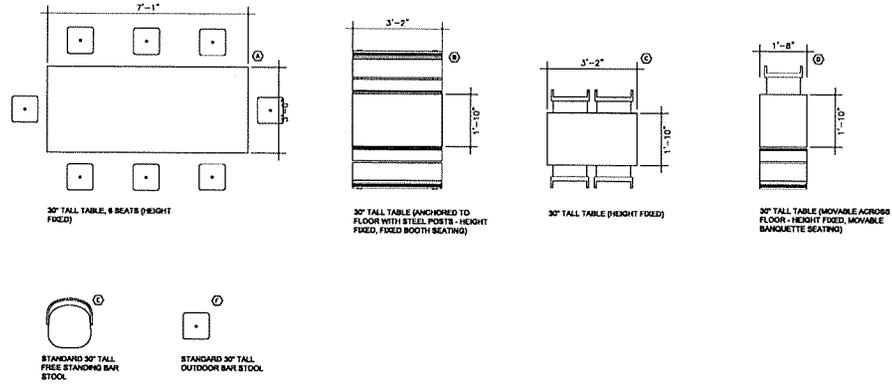
-  FLOOR SERVICE
-  KITCHEN
-  SUPPORT
-  OFFICE

**LADG**  
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 TEL: 805.642.2111  
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 WWW.LADG.COM  
 DATE: 11/20/2014  
 PROJECT: 1414



**FINISH SCHEDULE**

ROOM #	ROOM NAME	FLOOR	COVE BASE (1/4" RADIUS)	WALLS	CEILING
101	BW	CLEAR-SEAL SMOOTH CONCRETE	6" "SLIM-FIT" COVING	F.R.P PANELING, COLOR TBD	GYPSUM, SEMI GLOSS PAINTED LIGHTLY, EASILY CLEANABLE COLOR
102	WALK-IN-COOLER	PREFABRICATED SMOOTH STAINLESS STEEL	10" SAFETY, STAINLESS STEEL COVE BASE	SMOOTH STAINLESS STEEL	SMOOTH STAINLESS STEEL
103	COOK LINE	SMOOTH STAINLESS STEEL	6" STAINLESS STEEL COVE BASE	SMOOTH STAINLESS STEEL	SMOOTH STAINLESS STEEL HOOD VENT
104	KITCHEN	CLEAR-SEAL SMOOTH CONCRETE	6" "SLIM-FIT" COVING	F.R.P PANELING, COLOR TBD	GYPSUM, SEMI GLOSS PAINTED LIGHTLY, EASILY CLEANABLE COLOR
105	PREP AREA	CLEAR-SEAL SMOOTH CONCRETE	6" "SLIM-FIT" COVING	F.R.P PANELING, COLOR TBD	GYPSUM, SEMI GLOSS PAINTED LIGHTLY, EASILY CLEANABLE COLOR
106	RESTAURANT	CLEAR-SEAL SMOOTH CONCRETE	N/A	OWB, COLOR TBD	GYPSUM, SEMI GLOSS PAINTED LIGHTLY, EASILY CLEANABLE COLOR
107	ORDER AREA	CLEAR-SEAL SMOOTH CONCRETE	N/A	OWB, COLOR TBD	GYPSUM, SEMI GLOSS PAINTED LIGHTLY, EASILY CLEANABLE COLOR
108	PICK-UP AREA	CLEAR-SEAL SMOOTH CONCRETE	N/A	OWB, COLOR TBD	GYPSUM, SEMI GLOSS PAINTED LIGHTLY, EASILY CLEANABLE COLOR
109	JANITOR'S CLOSET	CLEAR-SEAL SMOOTH CONCRETE	6" "SLIM-FIT" COVING	F.R.P PANELING, COLOR TBD	GYPSUM, SEMI GLOSS PAINTED LIGHTLY, EASILY CLEANABLE COLOR
110	DISH ROOM	CLEAR-SEAL SMOOTH CONCRETE	6" "SLIM-FIT" COVING	F.R.P PANELING, COLOR TBD	GYPSUM, SEMI GLOSS PAINTED LIGHTLY, EASILY CLEANABLE COLOR
111	DRY STORAGE	SMOOTH QUARRY TILE	6" SMOOTH QUARRY TILE COVING	F.R.P PANELING, COLOR TBD	GYPSUM, SEMI GLOSS PAINTED LIGHTLY, EASILY CLEANABLE COLOR
112	JANITOR'S CLOSET	SMOOTH QUARRY TILE	6" SMOOTH QUARRY TILE COVING	F.R.P PANELING, COLOR TBD	GYPSUM, SEMI GLOSS PAINTED LIGHTLY, EASILY CLEANABLE COLOR
112	BAR EQUIPMENT STORAGE	SMOOTH QUARRY TILE	6" SMOOTH QUARRY TILE COVING	F.R.P PANELING, COLOR TBD	GYPSUM, SEMI GLOSS PAINTED LIGHTLY, EASILY CLEANABLE COLOR
113	BAR SERVICE	SMOOTH QUARRY TILE	6" SMOOTH QUARRY TILE COVING	F.R.P PANELING, COLOR TBD	GYPSUM, SEMI GLOSS PAINTED LIGHTLY, EASILY CLEANABLE COLOR



1 TABLE SCHEDULE  
SCALE: 1/2"=1'-0"

**DOOR SCHEDULE**

DOOR	TYPE	WIDTH & HEIGHT	THICK.	MANUFACTURER	MATERIAL	GLAZING	FINISH	NOTES
1	DOUBLE SWING EXTERIOR ENTRY DOOR	6'-0" x 7'-9"	2"	N/A	ALUMINUM	N/A	ANODIZED	WITH AIR CURTAIN ABOVE, SELF CLOSING
2	DOUBLE SWING EXTERIOR ENTRY DOOR	6'-0" x 7'-9"	2"	N/A	ALUMINUM	N/A	ANODIZED	WITH AIR CURTAIN ABOVE, SELF CLOSING
3	HINGED DOOR	3'-0" x 6'-8"	1 3/4"	N/A	SOLID CORE WOOD	N/A	PAINT	SELF CLOSING
4	SWINGING GATE	3'-0" x 4'-0"	1 3/4"	N/A	ALUMINUM	N/A	PAINT	
5	SWINGING GATE	3'-0" x 4'-0"	1 3/4"	N/A	ALUMINUM	N/A	PAINT	

**MECHANICAL / PLUMBING FIXTURE SPECIFICATIONS**

SYMBOL	DESCRIPTION	MANUFACTURER	MODEL	FINISH COLOR	NOTES	QUANTITY (VF)
⊠	EXISTING SUPPLY AIR DIFFUSER	N/A	N/A	N/A	N/A	N/A
⊙	EXISTING 110 CFM EXHAUST FAN	N/A	N/A	WHITE	N/A	N/A
⊙	EXISTING SPRINKLER HEAD	N/A	N/A	N/A	N/A	N/A

**FINISH NOTES:**

- CONTRACTOR TO PROVIDE APPROPRIATE PRIMERS FOR ALL PAINTED SURFACES AS REQUIRED.
- SUBMITTAL REQUIRED ON ALL FINISHES.

\* NOTES:

ALL EXISTING DOORS & GLAZING EQUIPMENT TO REMAIN

EXISTING KITCHEN & ALL KITCHEN EQUIPMENT TO REMAIN

CONTRACTOR IS RESPONSIBLE FOR PROPER INSTALLATION AND APPLICATION OF ALL FIXTURES AND FINISHES PER PUBLISHED MANUFACTURERS SPECIFICATIONS AND SAFETY CRITERIA. ANY SUBSTITUTIONS OR DEVIATION FROM THESE CRITERIA IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

UPON INSTALLATION OF PRODUCTS AND APPLICATION OF FINISHES ON THE SITE, LADG SHALL NOT BE DIRECTLY OR INDIRECTLY LIABLE OR RESPONSIBLE FOR THE MAINTENANCE, CLEANING, OR REPAIR OF THE PRODUCTS OR FINISHES. OWNER IS STRICTLY LIABLE AND RESPONSIBLE FOR MAINTAINING, CLEANING, AND REPAIRING THE PRODUCTS AND FINISHES WITHOUT RECOURSE FROM LADG.

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**PROJECT**  
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**Revisions:**

#	DATE	REVISION
1		
2		
3		
4		
5		

I, the undersigned, acknowledge that I have read and approved the contents of this schedule and that I understand the same and that I agree to be bound by the same. I further agree to be bound by the terms and conditions of the contract documents, including but not limited to the terms and conditions of the contract documents, including but not limited to the terms and conditions of the contract documents, including but not limited to the terms and conditions of the contract documents.

Date Issued: 07-25-2018

Drawn by: TY, CDF

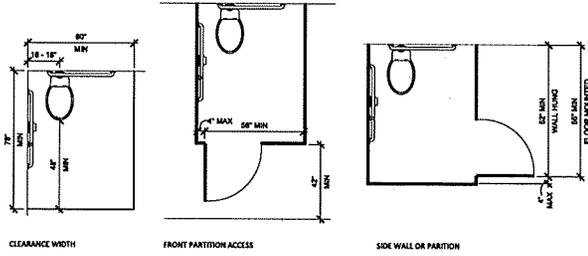
Project number:

Sheet Title:

**SCHEDULES**

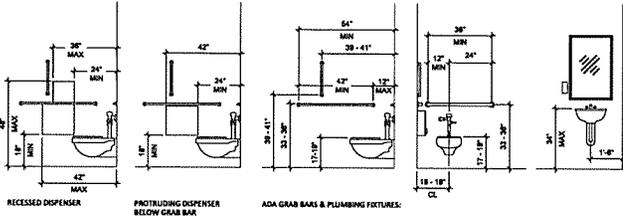
Sheet Number:

**A-001**



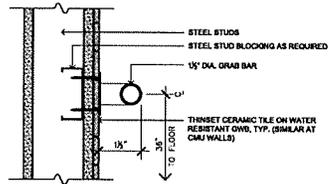
1 TYPICAL ADA ELEVATIONS & CLEARANCES

SCALE: 3/8"=1'-0"



2 TYPICAL ADA ELEVATIONS & CLEARANCES

SCALE: 3/8"=1'-0"



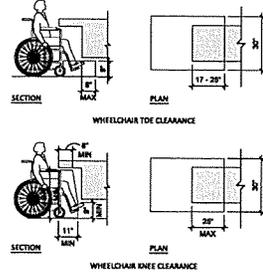
3 GRAB BAR MOUNTING DETAIL

SCALE: 3"=1'-0"



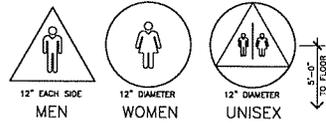
4 ACCESSIBLE COMPARTMENT TOE CLEARANCE

SCALE: 3/8"=1'-0"



5 REQ. KNEE CLEARANCE - TYP.

SCALE: 3/8"=1'-0"

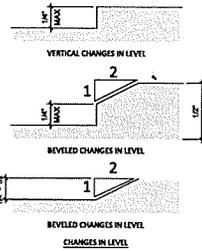


NOTES:  
 1. SIGNS SHALL BE X" THICK  
 2. CENTER THE SIGNS ON THE DOOR AT 5'-0" A.F.F.  
 3. SIGNS SHALL BE DISTINCTLY DIFFERENT FROM DOOR COLOR AND CONTRAST  
 4. BRAILLE SIGNS SHALL BE PLACED ON ADJACENT WALL ON LATCH SIDE OF DOOR AT 5'-0" A.F.F.



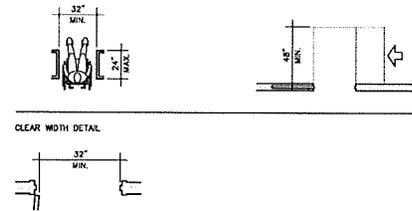
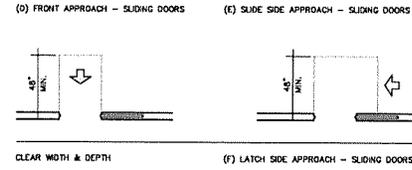
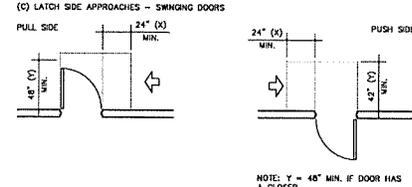
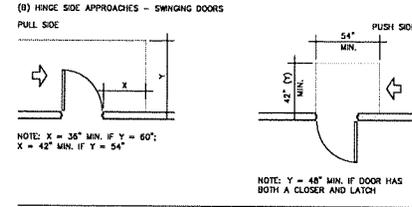
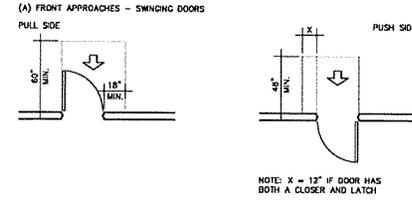
6 RESTROOM SIGNS

SCALE: 1 1/2"=1'-0"



7 CHANGES IN FLOOR LEVEL - TYP.

SCALE: 3/8"=1'-0"



8 DOOR CLEARANCES

SCALE: 1/4"=1'-0"

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Revisions:

#	DATE	REVISION
1		
2		
3		
4		
5		

I warrant that the information contained herein was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of California. I warrant that the information contained herein was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of California. I warrant that the information contained herein was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of California.

Date issued: 07-25-2018  
 Drawn by: TY, CBF  
 Project number:  
 Sheet Title:  
**ADA TYPICAL ELEVATIONS & DETAILS**  
 Sheet Number:  
**A-002**



**SANITARY FACILITIES (GENERAL)**

- Bathing and toilet facilities that serve buildings, facilities or portions of buildings or facilities that are required by these standards to be accessible to persons with disabilities, shall be on an accessible route and shall conform to the requirements of section 11150.1.
- Where separate facilities are provided for persons of each sex, these facilities shall be accessible to persons with disabilities. Where unisex facilities are provided, these facilities shall be accessible to persons with disabilities. (11150.1.1)
- Where facilities are to be used solely by small children, the specific heights and clearances may be adjusted to meet their accessibility needs. See table 11150.1-1 for suggested mounting heights and clearances. (11150.1.2)

	A	E	K
Toilet centering from wall	16"	15"	12"
Toilet seat height (to top of seat)	17" - 19"	15"	10" - 12"
Grab bar height (edge)	33"	27"	20" - 22"
Toilet paper in front of toilet	12" max.	8" max.	8" max.
Nipple exposed in front of toilet	12" max.	12" max.	n/a
Dispenser or mirror height	40" max.	37" max.	32" max.
Lavatory/sink top height	34" max.	29" max.	24" max.
Lavatory/sink knee clearance	27" min.	24" min.	19" min.
Urinal lip height	17" min.	15" min.	13" min.
Urinal flush handle height	44" max.	37" max.	32" max.
Drinking fountain bubbler height	36" max.	32" max.	30" max.
Drinking fountain knee clearance	27" min.	24" min.	22" min.
Ramp/sloped handrail height	34" - 38"	27"	22"

The dimensions are recommended by the Division of the State Architect - Access Compliance. These recommendations are based on the federal "recommendations for Accessibility for Children in Elementary School" and other recognized publications on access for children.

A = Adult dimensions (age 12 and over)  
 E = Elementary dimensions  
 K = Kindergarten and preschool dimension

- Doorsways leading to sanitary facilities shall be identified by a geometric symbol in compliance with this section. Geometric symbols shall be centered horizontally on the door at a height of 80" above the finish floor or ground surface measured to the center of the symbol. Edges of signs shall be rounded, chamfered or beveled. Corners of signs shall have a minimum radius of 1/8". (11150.8)
- Men's sanitary facilities shall be identified by an equilateral triangle, 1/4" thick with edges 12" long and one vertex pointing upward. The triangle symbol shall contrast with the door, either light on a dark background or dark on a light background. (11150.8.1)
- Women's sanitary facilities shall be identified by a circle, 1/4" thick and 12" in diameter. The circle symbol shall contrast with the door, either light on a dark background or dark on a light background. (11150.8.2)
- Unisex sanitary facilities shall be identified by a circle, 1/4" thick and 12" in diameter, with a 1/4" thick triangle superimposed on the circle and within the 12" diameter. (11150.8.3)

8. See also Section 11178.5.1 Item 1 for additional signage requirements applicable to sanitary facilities.

**SINGLE ACCOMMODATION SANITARY FACILITIES**

NOTE: Single Accommodation Sanitary Facility is defined as "a room that has not more than one of each type of sanitary fixture. It is intended for use by only one person at a time, has no partition other than the toilet, and has a door that can be locked on the inside by the room occupant". (202)

- There shall be sufficient space in the toilet room for a wheelchair measuring 30" wide by 48" long to enter the room and permit the door to close. There shall be in the room a clear floor space of at least 60" in diameter, or a T-shaped space complying with Figures 118-11(4) and (5). No door shall encroach into this space for more than 12". (11150.3.2.1, Fig 118-1A)
- Doors shall not swing into the clear floor space required for any fixture. Doors may swing into that portion of maneuvering space which does not overlap the fixture's required clear floor space. See Figure 118-1E (e). (11150.3.2.2)
- Provide one accessible water closet in compliance with Section 11150.4.1. A minimum 60 inches wide and 48 inches deep maneuvering space shall be provided in front of the water closet. (11150.3.2.3)
- All doors, fixtures, and controls shall be on an accessible route with a minimum clear width of 36" except if doors, if a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Figure 118-5E. See also Figure 118-1A. (11150.3.2.4)
- The entrance door shall contain a privacy latch which complies with Section 11178.8, Controls and Operating Mechanisms. (11150.3.2.7)
- Provide one accessible lavatory in compliance with section 11150.4.3. (1130.3.2.6)
- Toilet room floors shall have a stable, firm, slip resistant surface in compliance with Section 11240.1. (11150.3.2.5)
- In existing buildings, a single accommodation toilet may have the water closet located in an area which provides a clear space of not less than 36" wide by 48" long in front of the water closet. (11150.3.2)

**MULTIPLE ACCOMMODATION SANITARY FACILITIES**

NOTE: Multiple Accommodation Sanitary Facility is defined as "a room that has more than one sanitary fixture. It is intended for the use of more than one person at a time, and which usually is provided with privacy compartments or screens shielding some fixtures from view". (202)

- A clear space measured from the floor to a height of 27" above the floor, within the sanitary facility room, of sufficient size to inscribe a circle with a diameter not less than 60". Other than the door to the accessible water closet compartment, a door, in any position, may encroach into this space by not more than 12". (11150.3.1.1)
- Doors shall not swing into the clear floor space required for any fixture. Doors may swing into that portion of maneuvering space which does not overlap the fixture's required clear floor space. See Figures 118-1E (e) and (e). (11150.3.1.2)
- A water closet fixture located in a compartment shall provide a minimum 28" wide clear space from a fixture or a minimum 32" wide clear space from a wall at one side of the water closet. The other side of the water closet shall provide 18" from the centerline of the water closet to the wall. Grab bars shall not project more than 3" into these clear spaces. The stall shall be minimum of 60" wide. (11150.4.1, Fig 118-1B)
- If the compartment has a side-opening door, either louvering or out-swinging, a minimum 60 inches wide and 80 inches deep maneuvering space shall be provided in front of the water closet. (11150.3.1.4.2)
- If the compartment has an end-opening door (facing the water closet), either in-swinging or out-swinging, a minimum 60 inches wide and 48 inches deep maneuvering space shall be provided in front of the water closet. The door shall be located in front of the clear floor space and disposed to the water closet, with a maximum side width of 4 inches. (11150.3.1.4.3)
- The water closet compartment shall be equipped with a door that has an automatic-closing device, and shall have a clear, unobstructed opening width of 32" when located at the end and 34" when located at the side with the door positioned at an angle of 90 degrees from its closed position. (11150.3.1.4.4)
- The inside and outside of the compartment door shall be equipped with a loop or U-shaped handle immediately below the latch. The latch shall be flipper style, sliding, or other hardware not requiring the user to grasp or twist. (11150.3.1.4.5)

8. Except for door opening width and door swings, a clear, unobstructed access not less than 44" shall be provided to water closets, compartments designed for use by persons with disabilities. The space immediately in front of a water closet compartment shall not be less than 48" measured at right angles to compartment door in its closed position. (11150.3.1.5, Fig 118-1B)

9. Where six or more compartments are provided within a multiple-accommodation toilet room, in addition to the water closet and compartment required by Items 3 and 4 above, provide at least one ambulatory accessible compartment. The ambulatory accessible compartment shall be 36 inches wide with an outward swinging self-closing door and parallel grab bars complying with Section 11150.4.1, Item 3. (11150.3.1.5)

10. Provide 18 inches clearance at the strike side of water closet compartment doors (no exception). (Figure 118-1B)

11. Toilet room floors shall have a stable, firm, slip resistant surface in compliance with Section 11240.1. (11150.3.1.6)

**SANITARY FACILITY FIXTURES & ACCESSORIES ACCESSIBLE WATER CLOSETS**

1. The height of accessible water closets shall be a minimum of 17" and a maximum of 18" measured to the top of a maximum 2" high toilet seat, except that 3" seats shall be permitted only in alterations where the existing fixture is less than 15" high. (11150.4.1.4)

2. Provide clear floor space and maneuvering space of accessible water closets in compliance with Section 11150.4.1, Item 2. Refer to Section 11150.3.1, Items 4.2 and 4.3 for additionally required maneuvering space at multiple-accommodation toilet facilities. Refer to Section 11150.3.2, Item 3 for additionally required maneuvering space at single accommodation toilet facilities.

a) Where a water closet is not within a water closet compartment, clear floor space around the water closet shall be 80 inches minimum measured perpendicular from the side wall closest to the water closet and 56 inches minimum measured perpendicular from the rear wall. See Figure 118-1E (e).

b) Where a wall mounted water closet is installed within an accessible water closet compartment, clear floor space around the water closet shall be 80 inches minimum measured perpendicular from the side wall closest to the water closet and 56 inches minimum measured perpendicular from the rear wall. Where a floor mounted water closet is installed within an accessible water closet compartment, clear floor space around the water closet shall be 80 inches minimum measured perpendicular from the side wall and 56 inches minimum measured perpendicular from the rear wall. See Figure 118-1E (b), (c), (d) and (e).

c) Where a water closet is installed within an accessible water closet compartment with an opening door, a minimum 80 inches wide by 36 inches deep maneuvering space shall be provided in front of the clear floor space required in Item 2.2. See Figure 118-1E (c) & (e).  
 Exception: An egress fixture at the rear wall is permitted to encroach into the required clear floor space at the wide side of the water closet where clearances are provided in compliance with Section 11150.4.1, Item 1.

**ACCESSIBLE LAVATORIES**

3. A clear floor space 30" by 48" in front of a lavatory to allow a forward approach. Such clear floor space shall adjoin or overlap on accessible route and shall extend a maximum of 18" into knee and toe space underneath the lavatory. (11150.4.3.2, Fig 118-10)

4. Lavatories, when located adjacent to a side wall or partition, shall be a minimum of 18" to the center line of the fixture. (11150.4.3.2, Fig 118-10A)

5. All lavatories that are designated to be accessible shall be a minimum 17" in horizontal depth and mounted with the rim or counter edge no higher than 34" above the finished floor and with vertical clearance measured from the bottom of the apron or the outside bottom edge of the lavatory of 29", reducing to 27" at a point located 8" back from the front edge. In addition, a minimum 8" high clearance must be provided extending back toward the wall to a distance no more than 8" from the back wall. The toe clearance space must be free of equipment or obstructions. (11150.4.3.2, Fig 118-10)

6. Hot water and drain pipes under accessible lavatories shall be insulated or otherwise covered. There shall be no sharp or abrasive surfaces under lavatories. (11150.4.3.4)

**ACCESSIBLE URINALS**

7. Where urinals are provided, at least one shall have a clear floor space 30" by 48" in front of the urinal to allow forward approach. (11150.4.2.3)

8. Urinals shall be floor mounted, wall-type or wall hung. Where one or more wall hung urinals are provided, at least one with an elongated rim projecting a minimum of 14" from the wall, a maximum of 17" from the wall, and a mounting of 17" above the floor shall be provided. (11150.4.2.1)

9. Controls for water closet flush valves shall be mounted on the wide side of toilet area. Automatic spring to closed position seats are not allowed. (11150.4.1.5, 11150.4.1.7)

10. Water closet and urinal flush valve controls, and faucet and operating mechanism controls, shall be operable with one hand, shall not require tight grasping, pinching, or twisting of the wrist, and shall be mounted no more than 44" above the floor. (11150.4.1.5, 11150.4.2.2, 11150.4.3.1)

11. The forces required to activate water closet and urinal flush valve controls, and faucet and operating mechanism controls, shall be no greater than 5 lb. Electronic or automatic flushing controls are acceptable and preferable. (11150.4.1.5, 11150.4.2.2, 11150.4.3.1)

12. Self-closing faucet control valves are allowed if the faucet remains open for at least 10 seconds. (11150.4.3.1)

13. All mirrors located above accessible lavatories or countertops shall be installed with the bottom edge of the reflecting surface no higher than 40" from the finish floor or ground. (11150.8.1.3)

14. When mirrors are provided at locations other than above lavatories or countertops, at least one shall be installed with the bottom edge of the reflecting surface 35" maximum above the finish floor or ground. (11150.8.1.2)

15. Mirrors in fitting and dressing areas shall comply with Section 11178.8. (11150.8.1.3)

16. If medicine cabinets are provided, at least one shall be located with a usable shelf no higher than 44" above the floor. A clear floor space 30" by 48" complying with Section 11180.4 shall be provided in front of a medicine cabinet to allow a forward or partial approach. (11150.8.2)

17. Where towel, sanitary napkins, waste receptacles, dispensers, or other equipment and controls are provided, show at least one of each type shall be located on an accessible route, with all operable parts, including coin slots, within 40" from the finished floor and shall comply with Section 11178.8. (11150.8.3)

18. Show that toilet tissue dispensers shall be located on the wall within 12" of the front edge of the toilet seat, mounted below the grab bar at a minimum height of 18", and 28" maximum to the far edge from the rear wall. Dispensers that control delivery or that do not permit continuous paper flow shall not be used. (11150.8.4, Fig 118-1A)

19. Toilet room floors shall have a stable, firm, slip resistant surface in compliance with Section 11240.1. (11150.3.1.6)

**GRAB BARS**

1. Grab bars for water closets not located within a compartment shall comply with Section 11150.7 and shall be provided on the side wall closest to the water closet and on the rear wall. (11150.4.1.3)

2. Grab bars for water closets located within an accessible compartment shall comply with Section 11150.7 and shall be provided on the side wall closest to the water closet and on the rear wall. (11150.4.1.3)

3. Grab bars for water closets located within ambulatory accessible compartments shall comply with Section 11150.7 and shall be provided on both sides of the compartment. (11150.4.1.3)

4. The side grab bars shall be 42" long minimum, located 12" maximum from the rear wall, and extend 54" minimum from the rear wall. The front and shall be positioned 24" minimum in front of the water closet and be securely attached and centered 33" above and parallel to the floor. (11150.4.1.3.1, Fig 118-1A & 1B)

5. The rear grab bars shall be 36" long minimum and extend from the centerline of the water closet 12" minimum on one side and 24" minimum on the other side. The rear grab bar shall be securely attached and centered 33" above and parallel to the floor, except that where a lock-type toilet is used, which obstructs placement at 33", the bar may be as high as 30", with 1-1/2" minimum between the bar and top of tank. (11150.4.1.3.2, Fig 118-1A)

6. The diameter or width of the gripping surfaces of a grab bar shall be 1 1/2" to 1 3/4" nominal, and the shape shall provide an equivalent gripping surface. If grab bars are mounted adjacent to a wall, the space between the wall and the grab bar shall be 1 1/2". (11150.7.1, Fig 118-1C)

7. The structural strength of grab bars, tub and shower seats, fasteners, and mounting devices shall meet the following specifications: (11150.7.2)

a) Bending stress in a grab bar or seat induced by the maximum bending moment from the application of a 250-lb point load shall be less than the allowable stress for the material of the grab bar or seat. (11150.7.2.1)

b) Shear stress induced in a grab bar or seat by the application of a 250-lb point load shall be less than the allowable shear stress for the material of the grab bar or seat, and its mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stresses shall not exceed the allowable shear stress. (11150.7.2.2)

c) Shear force induced in fastener or mounting device from the application of a 250-lb point load shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever has the smaller allowable load. (11150.7.2.3)

d) Tensile force induced in a fastener by a direct tension force of a 250-lb point load, plus the maximum moment from the application of a 250-lb point load, shall be less than the allowable withdrawal load between the fastener and supporting structure. (11150.7.2.4)

e) Grab bars shall not rotate within their fittings. (11150.7.2.5)

8. The grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of 1/8". (11150.7.3)

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 1100 Wilshire Blvd., Suite 1000  
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 Fax: 310.708.1001

**LESSEE**  
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 1800 Georgia Ave.  
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 1100 Wilshire Blvd., Suite 1000  
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**GENERAL CONTRACTOR**  
 PAO CONSTRUCTION  
 1100 Wilshire Blvd., Suite 1000  
 Los Angeles, CA 90017  
 Tel: 310.708.1000  
 Fax: 310.708.1001

**PROJECT**  
 Blue Plate Mobile  
 2222 Pacific Coast Hwy  
 Malibu, CA 90263

Revisions:

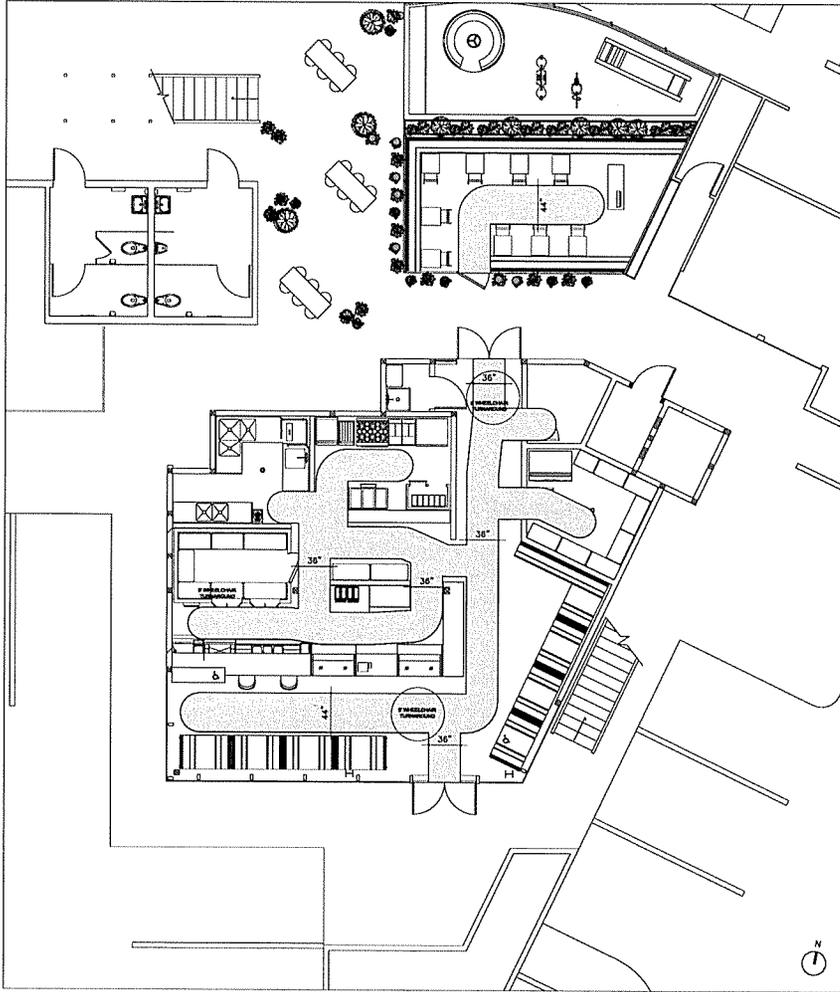
#	DATE	REVISION
1	07-25-2018	Issue for construction
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Date issued: 07-25-2018

Drawn by: TV, CDF

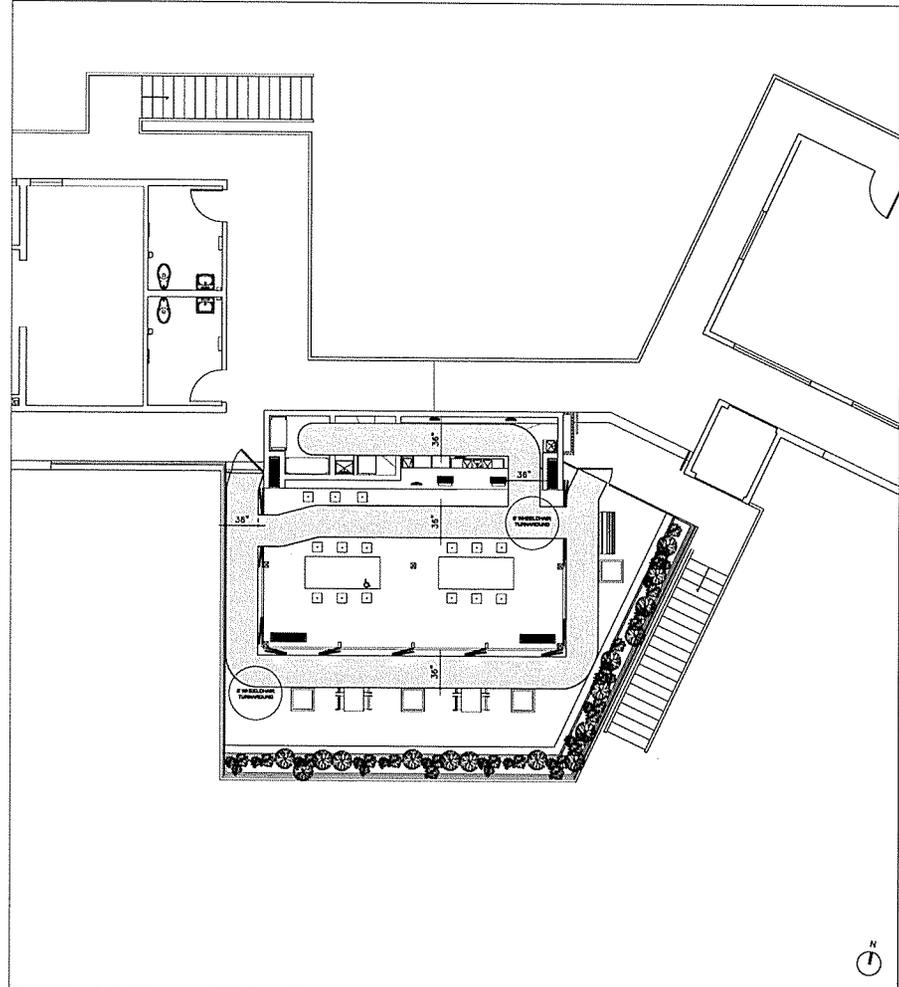
Sheet Title:  
**ADA NOTES**

Sheet Number:  
**A-004**



① EGRESS PLAN — GROUND FLOOR  
SCALE: 3/16"=1'-0"

NOTE:  
EGRESS PATH OF TRAVEL BASED ON 2013 CBC REQUIREMENTS AND ADA REQUIREMENTS SET FORTH IN CFR



② EGRESS PLAN — SECOND FLOOR  
SCALE: 3/16"=1'-0"

LEGEND

-  EGRESS PATH
-  WHEEL CHAIR TURNAROUND
-  ADA SEATING

**LADG**  
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Fax: (818) 708-1202

LESSOR  
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1800 Georgia Ave.  
Beverly Hills, CA 90212

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GENERAL CONTRACTOR  
PAQ CONSTRUCTION  
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PROJECT  
Blue Plate Mobile  
22231 Pacific Coast Hwy  
Malibu, CA 90263

Revisions:

#	DATE	REVISION
1	07-25-2018	Issue for construction
2		Final construction
3		
4		
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I hereby certify that the above is a true and correct copy of the original drawing as submitted to the City of Los Angeles for review and approval. I am a duly licensed Professional Engineer in the State of California. My license number is 44567. I am the author of this drawing. I have prepared this drawing in accordance with the requirements of the California Building Code and the California Fire Code. I have also prepared this drawing in accordance with the requirements of the California Accessibility Code. I have also prepared this drawing in accordance with the requirements of the California Fire Code. I have also prepared this drawing in accordance with the requirements of the California Fire Code.

Date issued: 07-25-2018

Drawn by: TY, CDF

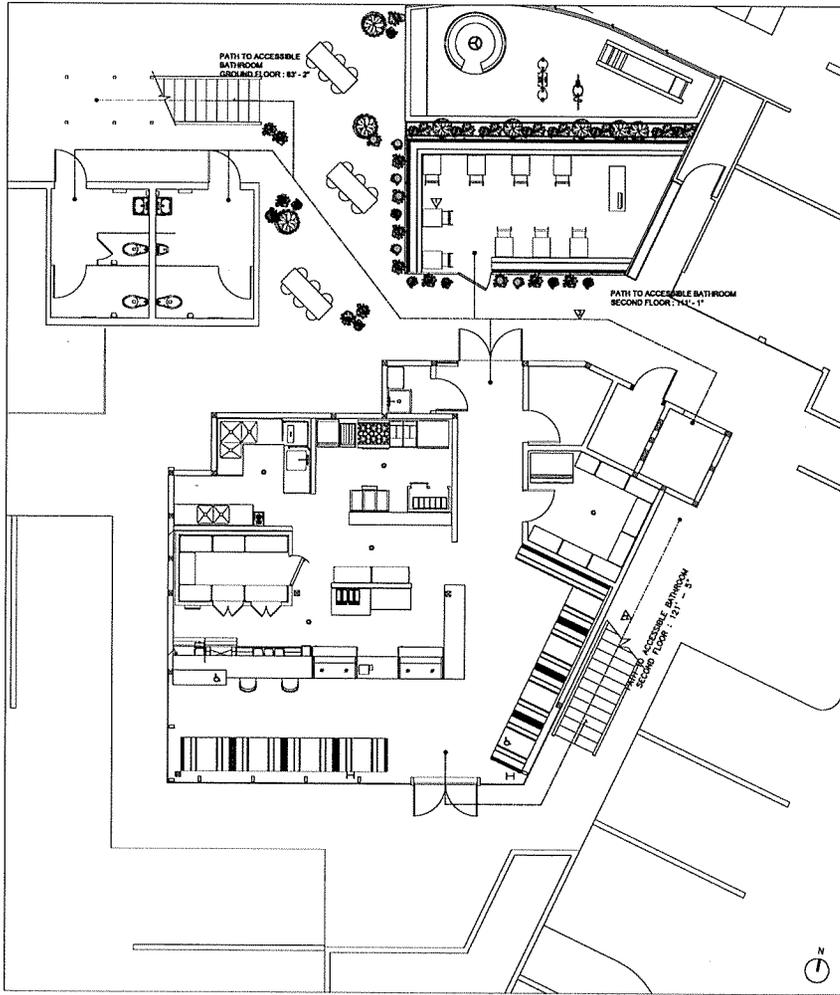
Project number:

Sheet Title:

EGRESS PLAN

Sheet Number:

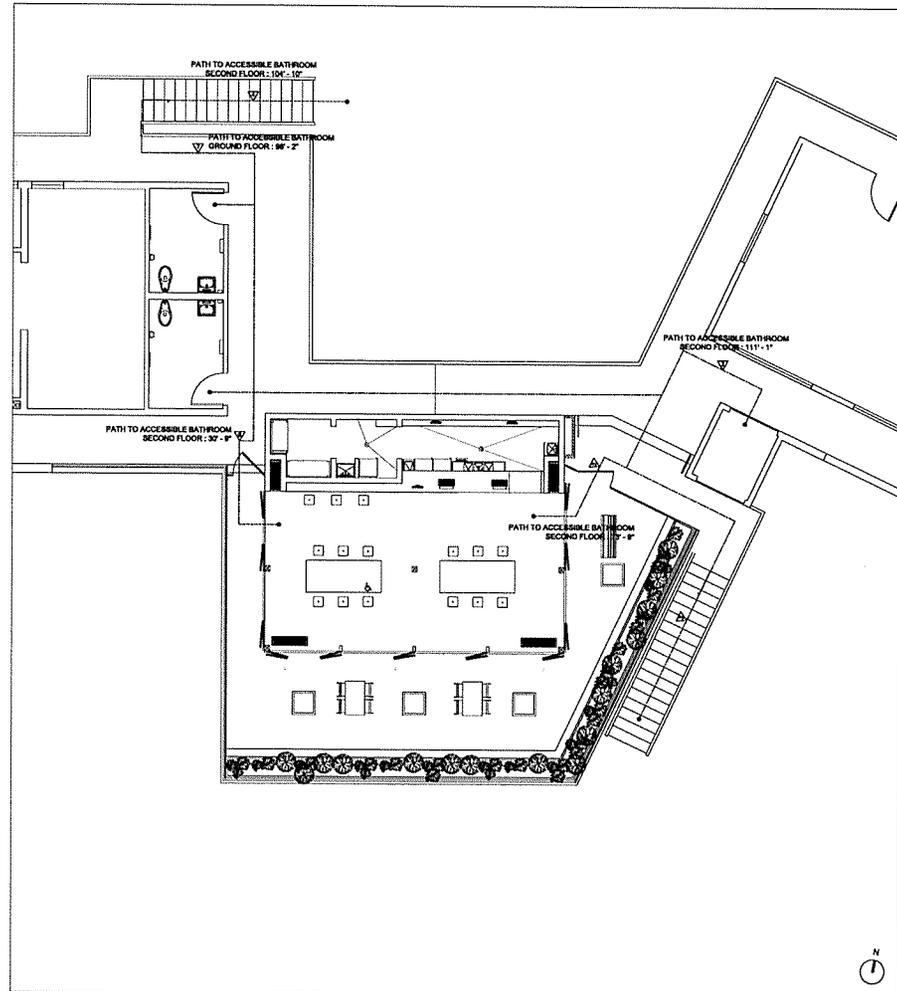
**A-005**



① RESTROOM ACCESS PLAN – GROUND FLOOR  
SCALE: 3/16"=1'-0"

RESTROOM ACCESS	DISTANCE	RESTROOM ACCESS	DISTANCE
▽ GROUND FLOOR RESTAURANT TO GROUND FLOOR ACCESSIBLE BATHROOM	87' - 2"	▽ SECOND FLOOR RESTAURANT TO SECOND FLOOR ACCESSIBLE BATHROOM (WEST DOOR)	73' - 9"
▽ GROUND FLOOR RESTAURANT TO SECOND FLOOR ACCESSIBLE BATHROOM VIA ELEVATOR	111' - 1"	▽ SECOND FLOOR RESTAURANT TO SECOND FLOOR ACCESSIBLE BATHROOM (EAST DOOR)	30' - 9"
▽ GROUND FLOOR RESTAURANT TO SECOND FLOOR ACCESSIBLE BATHROOM BY FRONT STAIRS	121' - 5"	▽ SECOND FLOOR RESTAURANT TO GROUND FLOOR ACCESSIBLE BATHROOM BY STAIRS	98' - 2"
▽ GROUND FLOOR RESTAURANT TO SECOND FLOOR ACCESSIBLE BATHROOM BY BACK STAIRS	104' - 10"		

NOTE:  
1. ALL COMMON USE TOILET FACILITIES ARE LOCATED WITHIN 200 FEET BY TRAVEL DISTANCE FROM EACH FOOD FACILITY.



② RESTROOM ACCESS PLAN – SECOND FLOOR  
SCALE: 3/16"=1'-0"

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**GENERAL CONTRACTOR**  
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**PROJECT**  
Blue Plate Menu  
2233 Pacific Coast Hwy  
Malibu, CA 90263

Revisions:

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1		Issue for construction
2		Final construction
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Date Issued: 07-25-2018

Drawn by: TY, CRF

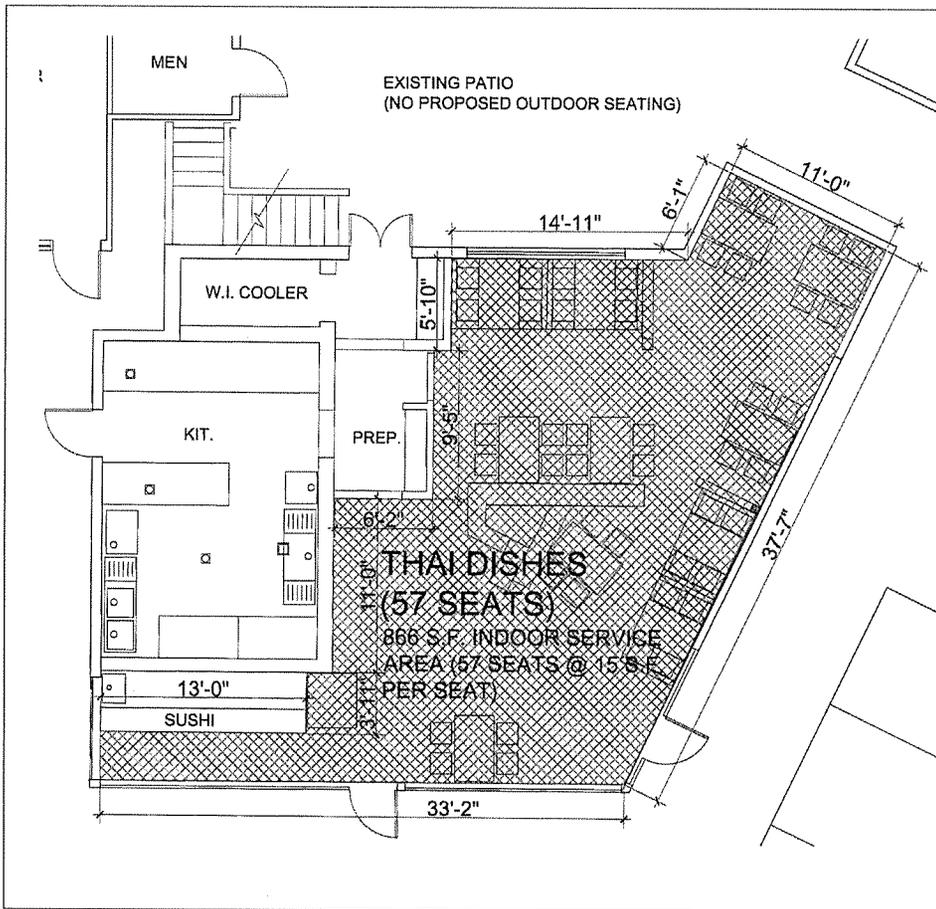
Project Number:

Sheet Title:

**RESTROOM ACCESS PLAN**

Sheet Number:

**A-006**



**malibu sands**  
CENTER

22333 Pacific Coast Hwy  
Malibu, CA 90265

**FKA**  
STUDIO

1800 Sherman Pl.  
Santa Monica, CA 90404  
T 310-448-0717  
F 310-448-0708

PROJECT NUMBER:  
DATE: 03/24/14  
SCALE: N.T.S.  
REFERENCE:  
DRAWING TITLE: THAI DISHES  
EXISTING SEATING PLAN  
DRAWING NUMBER:

**SK-2**

1/2" = 1'-0"

① PREVIOUS TENANT OCCUPANCY PLAN  
SCALE: N.T.S.

NOTE:  
PREVIOUS OCCUPANCY PER EXISTING C.O.P.: 57 SEATS

**LADG**  
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**OWNER:**  
Blue Plate Restaurant Group  
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Santa Monica, CA 90402

**STRUCTURAL ENGINEER:**  
COFFMAN ENGINEERS, INC.  
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Beverly Hills, CA 90210  
Tel: (310) 276-1100

**GENERAL CONTRACTOR:**  
FAD CONSTRUCTION  
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Beverly Hills, CA 90210  
Tel: (310) 276-1100

**PROJECT:**  
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22333 Pacific Coast Hwy  
Malibu, CA 90265

Revisions:

#	DATE	REVISION
1	03/24/14	Issue for construction
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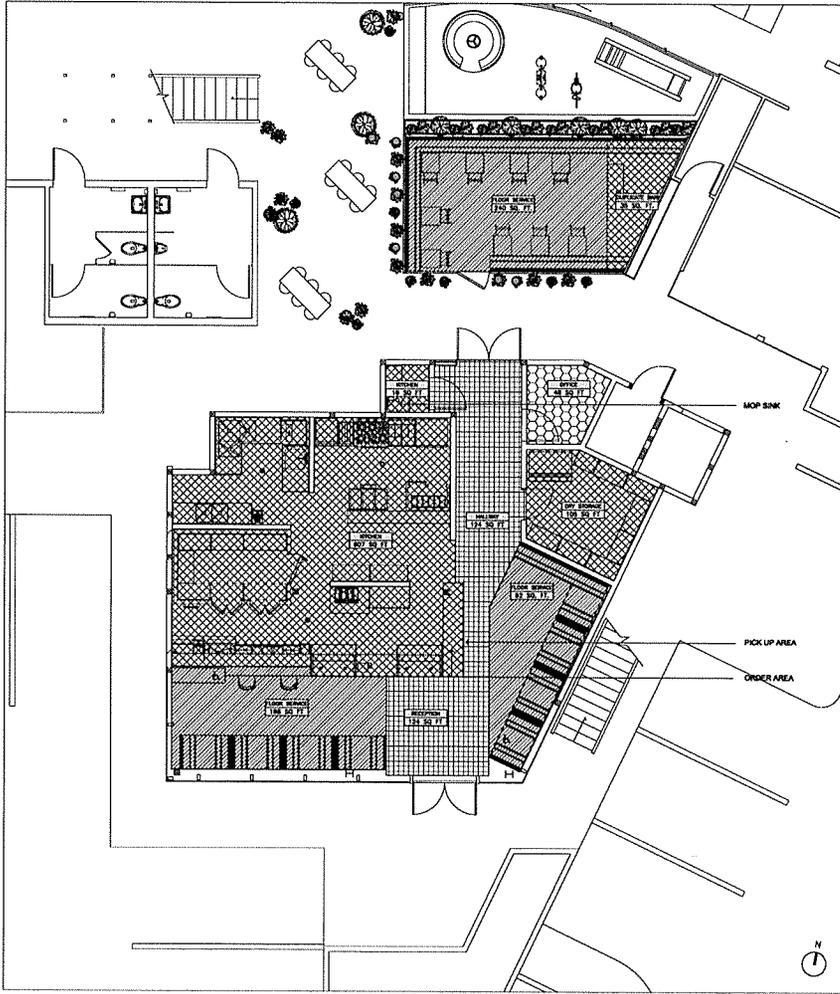
Date Issued: 07-25-2018  
Drawn by: TY, CBF  
Project number:  
Sheet Title:  
**PREVIOUS TENANT  
OCCUPANCY PLAN**  
Sheet Number:

**A-007**



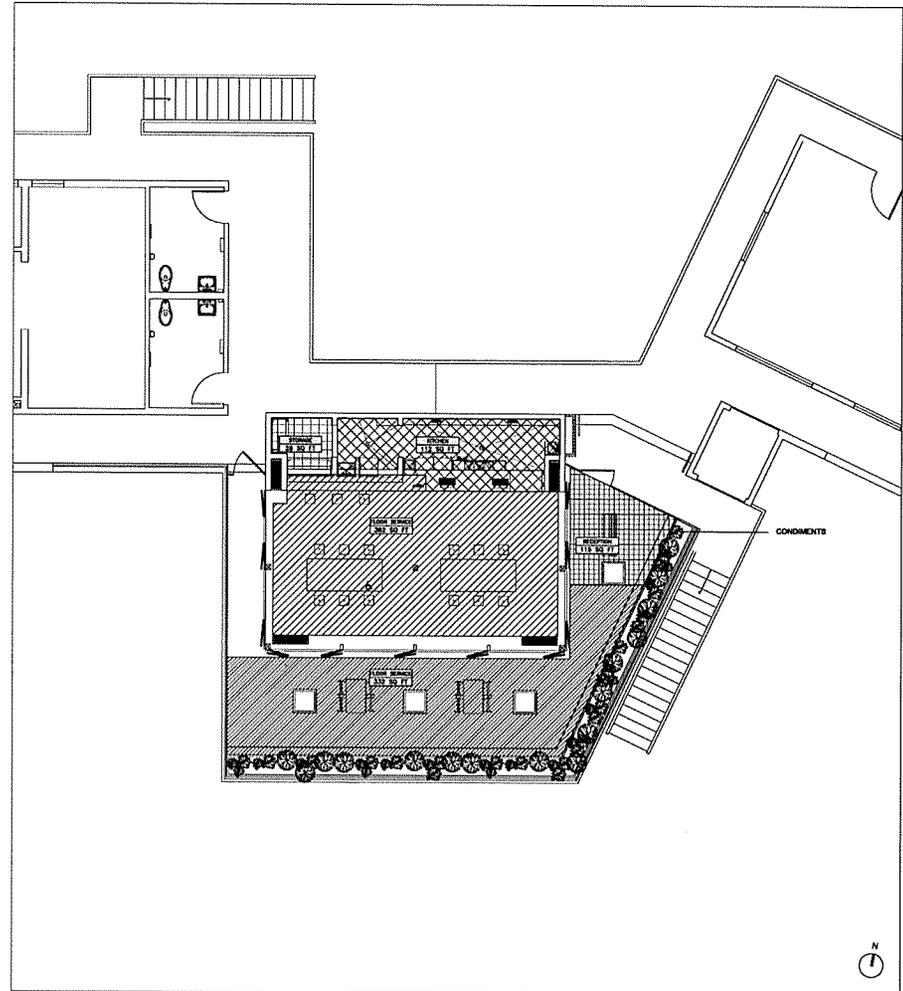






① OCCUPANCY PLAN – GROUND FLOOR  
SCALE: 3/16"=1'-0"

SCOPE OF NEW WORK:	DRINKING AREA:	SEATING
TOTAL PROPOSED RESTAURANT AREA: 5,172 SQ FT	TOTAL PROPOSED FLOOR SERVICE AREA: 1,325 SQ FT	TOTAL PROPOSED SEATING: 78 SEATS
	GROUND FLOOR: 830 SQ FT	GROUND FLOOR SEATING: 52
	SECOND FLOOR: 714 SQ FT	SECOND FLOOR SEATING: 23
	TOTAL KITCHEN AREA: 719 SQ FT	
	TOTAL OFFICE AREA: 48 SQ FT	
	TOTAL SUPPORT AREA: 484 SQ FT	



② OCCUPANCY PLAN – SECOND FLOOR  
SCALE: 3/16"=1'-0"

NOTE:  
LADG NOT RESPONSIBLE TO CHANGES MADE BY CLIENT OR CONTRACTOR DURING CONSTRUCTION OR SUBSEQUENT OCCUPANCY

LEGEND

	FLOOR SERVICE		HOSTESS STAND
	KITCHEN		BUSHING STATION
	SUPPORT		
	OFFICE		

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Van Nuys, CA 91411  
Phone: (818) 705-1200

OWNER:  
Blue Plate Restaurant Group  
1808 George Ave.  
Santa Monica, CA 90402

STRUCTURAL ENGINEER:  
COTTMAN ENGINEERS, INC.  
3300 Wilshire Blvd., Suite 100  
Beverly Hills, CA 90210

GENERAL CONTRACTOR:  
PAD CONSTRUCTION  
1000 Wilshire Blvd., Suite 100  
Beverly Hills, CA 90210

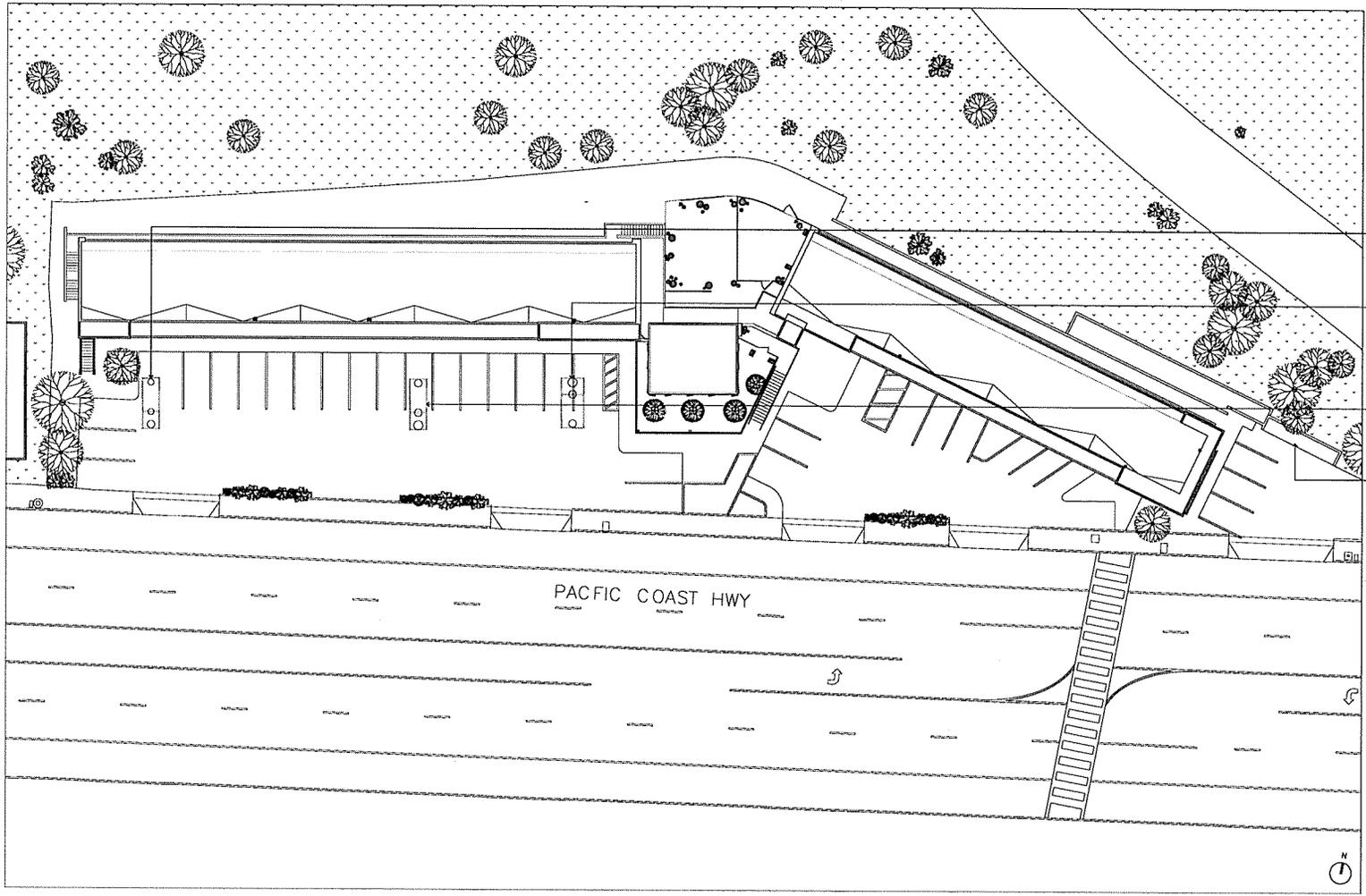
PROJECT:  
Blue Plate Malibu  
22333 Pacific Coast Hwy  
Malibu, CA 90265

Revisions:

#	DATE	REVISION
1	07-25-2018	Issue for construction
2	07-25-2018	Issue for construction
3		
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Drawn by: TY, GSP  
Project Number:  
Sheet Title:  
**OCCUPANCY PLAN**  
Sheet Number:  
**A-011**



- (D) PROPOSED 2,600 - GALLON GREASE INTERCEPTOR 1
- (E) PROPOSED 2,600 - GALLON GREASE INTERCEPTOR - FOR PROJECT USE
- (E) PROPOSED 2,600 - GALLON GREASE INTERCEPTOR 2
- (E) 8' HIGH CONCRETE TRASH ENCLOSURE WITH GATE

① SITE PLAN  
SCALE: 1/16"=1'-0"

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**GENERAL CONTRACTOR**  
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Tel: (310) 310-1000

**PROJECT**  
Blue Plate Harbor  
2223 Pacific Coast Hwy  
Malibu, CA 90263

Revisions:

#	DATE	REVISION
1		Final Construction Documents
2		Final Construction Documents
3		
4		
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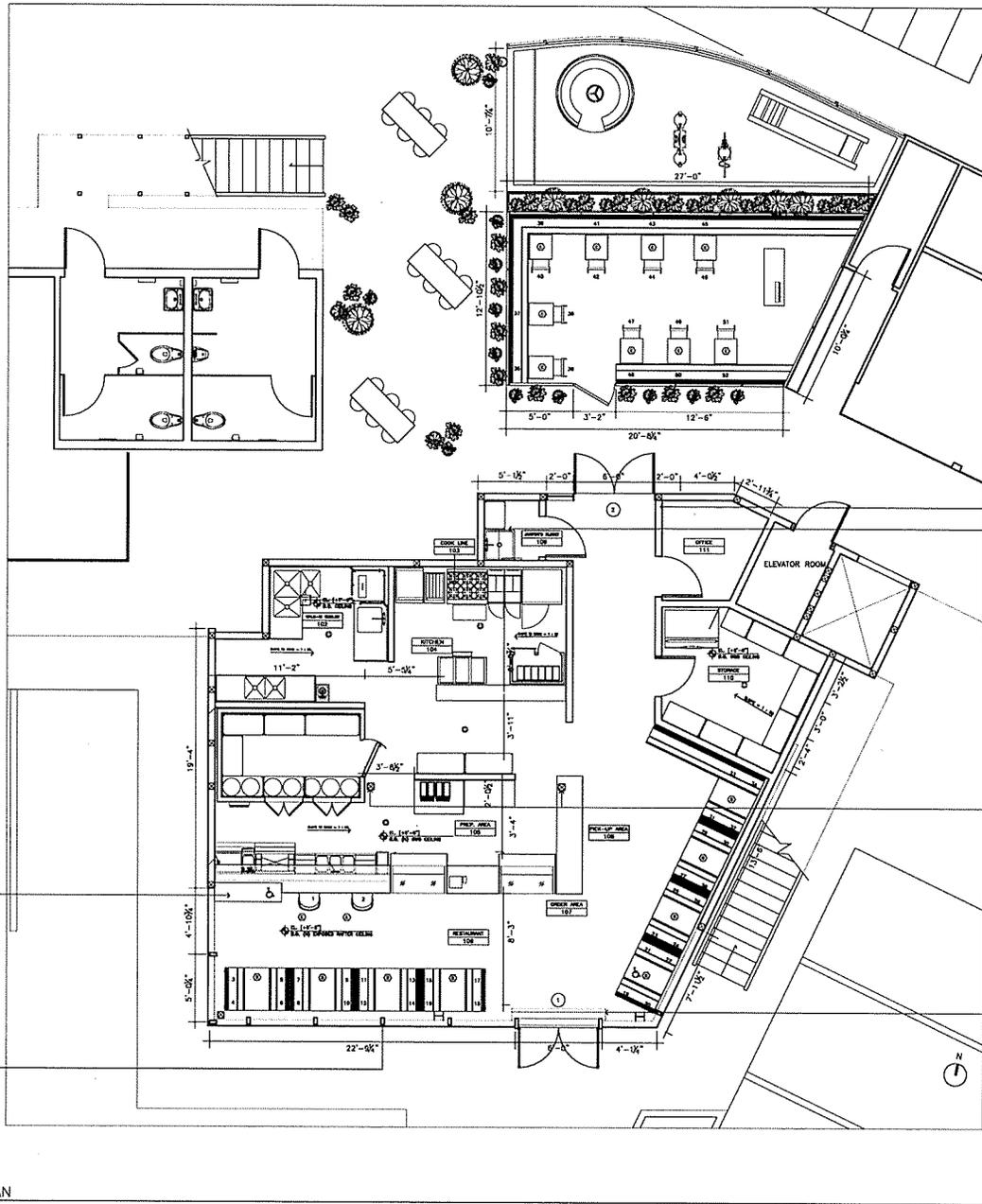
Sheet Title:

**SITE PLAN**

Sheet Number:

**A-100**





**PROJECT DATA:**

**GROUND FLOOR:**

BAR : 2  
 BOOTH BANQUETTE : 32  
 PATIO TABLE : 18  
 TOTAL GROUND FLOOR SEATING : 52

DRY STORAGE (18" SHELVES):

GROUND FLOOR : 80 LINEAR FT.

SECOND FLOOR : 43 LINEAR FT.

TOTAL DRY STORAGE : 123 LINEAR FT.

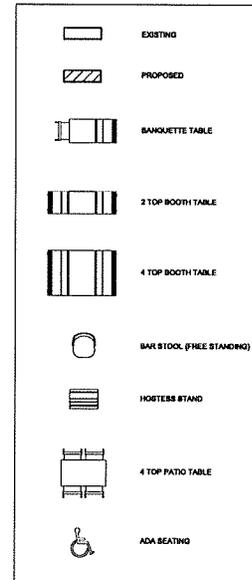
**SECOND FLOOR:**

BAR : 2  
 TABLE SEATS : 20  
 TOTAL SECOND FLOOR SEATING : 23

TOTAL PROPOSED SEATING : 75

CURRENT OCCUPANCY : 52 SEATS

**LEGEND:**



**LADG**  
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 COPFMAN ENGINEERS, INC.  
 1905 SANTA MONICA BOULEVARD, SUITE 200  
 SANTA MONICA, CA 90404  
 310.316.2222

**GENERAL CONTRACTOR:**  
 PAD CONSTRUCTION  
 1000 SUMMIT ROAD, SUITE 100  
 MALIBU, CA 90263  
 310.811.8888

**PROJECT:**  
 Blue Plate Malibu  
 22233 Pacific Coast Hwy  
 Malibu, CA 90263

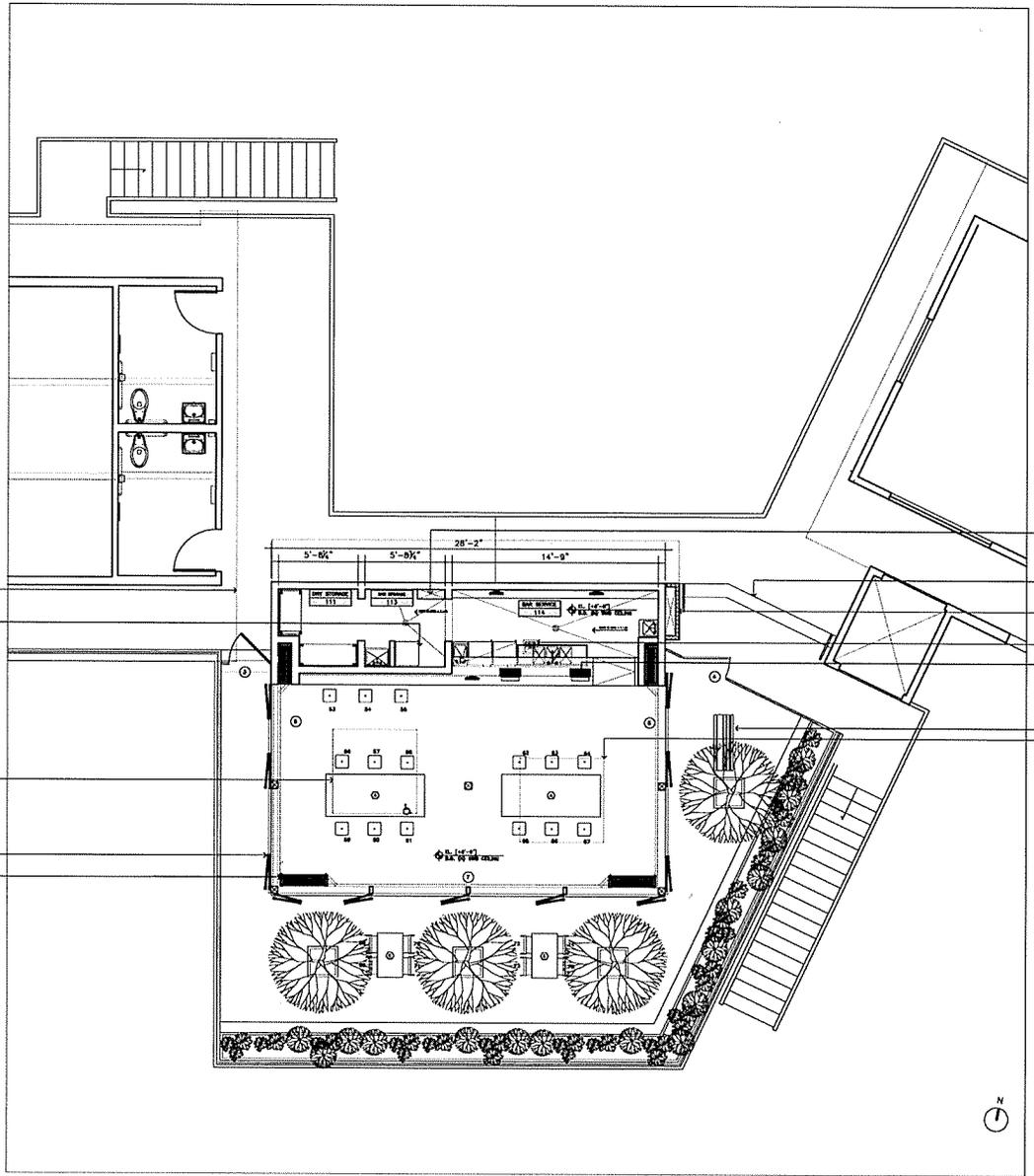
**Revisions:**

#	DATE	REVISION
1	06.06.18	Final owner comments
2	06.20.18	Final owner comments
3		
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5		

These drawings, specifications, notes, legends and conditions shall be read in their entirety and shall constitute the contract between the owner and the contractor. No portion of these drawings shall be used for any other project without the written consent of the architect. The architect shall not be responsible for the construction of the project or the completion of the same.

Date issued: 07-25-2018  
 Drawn by: TY, CDF  
 Project number:  
 Sheet Title:  
**PROPOSED GROUND FLOOR PLAN**  
 Sheet Number:  
**A-200**

GROUND FLOOR PLAN  
 SCALE: 1/4"=1'-0"



B.O. SOFFIT EDGE TO BE 7'-0" CLEAR FROM T.O. FINISHED DECK HEIGHT  
18" SHELVING ABOVE  
8 ROWS, TOTAL 43 LINEAR FT.  
42% OF TOTAL (103 LINEAR FT.)

SKYLIGHT ABOVE

FOLDING SHUTTERS ON TRACK  
SLIDING GLASS DOORS

PROPOSED MECHANICAL DUCT

STAIR TREAD TO CONTINUE

PROPOSED MECHANICAL SHAFT

FLOOR SINK

POB

RECEPTIONIST POOL  
SKYLIGHT ABOVE



**PROJECT DATA:**

**GROUND FLOOR:**

BAR: 2  
BOOTH/MANGIETTE: 32  
PATH TABLE: 18  
TOTAL GROUND FLOOR SEATING: 52

**SECOND FLOOR:**

BAR: 3  
TABLE SEATS: 20  
TOTAL SECOND FLOOR SEATING: 23

TOTAL PROPOSED SEATING: 75  
CURRENT OCCUPANCY: 52 SEATS

DRY STORAGE (18" SHELVES)

GROUND FLOOR: 60 LINEAR FT.

SECOND FLOOR: 43 LINEAR FT.

TOTAL DRY STORAGE: 103 LINEAR FT.

**LADG**  
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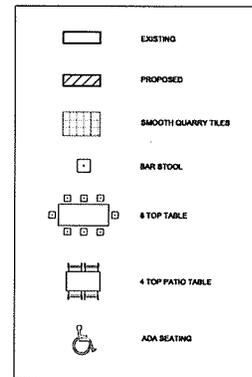
**LESSEE:**  
Blue Plate Restaurant Group  
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**PROJECT:**  
Blue Plate Mahou  
22323 Pacific Coast Hwy  
Malibu, CA 90265

**LEGEND:**



**Revisions:**

#	DATE	REVISION
1	07-25-2018	Issue for construction
2		Issue for construction
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These drawings, specifications, items, design and construction shall be in accordance with the applicable codes, standards, and regulations, and shall be subject to the approval of the local authority having jurisdiction. The contractor shall be responsible for obtaining all necessary permits and approvals from the local authority having jurisdiction. The contractor shall be responsible for obtaining all necessary permits and approvals from the local authority having jurisdiction.

Date Issued: 07-25-2018

Drawn by: TY, CBF

Project number:

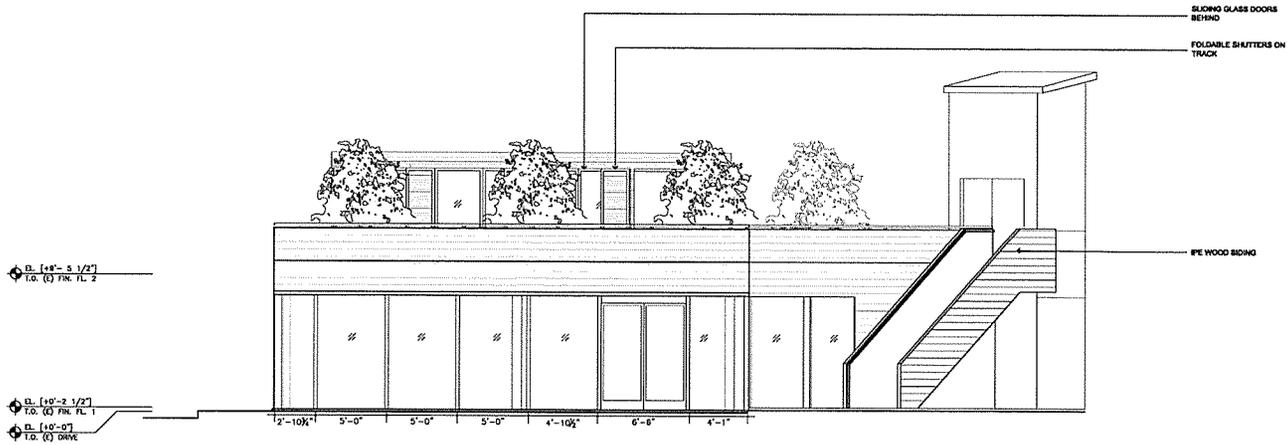
Sheet Title:

**PROPOSED SECOND FLOOR PLAN**

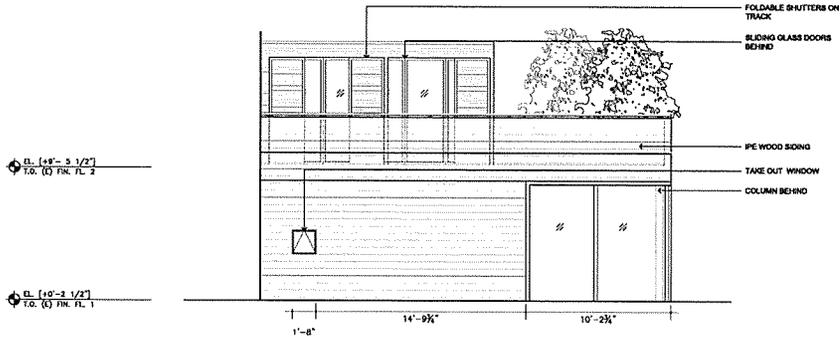
Sheet Number:

**A-201**

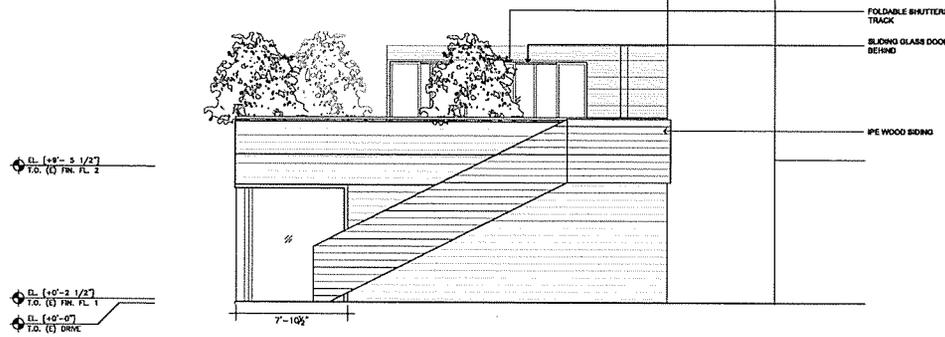
**SECOND FLOOR PLAN**  
SCALE: 1/4"=1'-0"



1 SOUTH ELEVATION  
SCALE: 1/4"=1'-0"



1 WEST ELEVATION  
SCALE: 1/4"=1'-0"



1 EAST ELEVATION  
SCALE: 1/4"=1'-0"

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**LESBIEE**  
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Beverly Hills, CA 90210  
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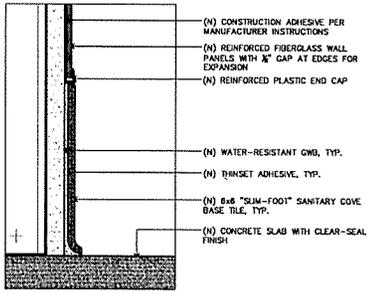
**GENERAL CONTRACTOR**  
FAG CONSTRUCTION  
10111 Wilshire Blvd., Suite 1000  
Beverly Hills, CA 90210  
www.fagconstruction.com

**PROJECT**  
Blue Plate Maibu  
22333 Pacific Coast Hwy  
Malibu, CA 90263

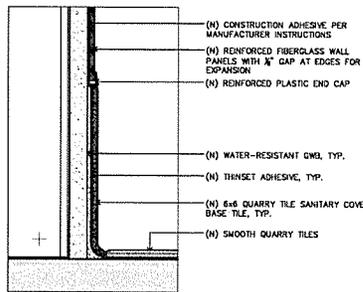
Revisions:

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1	07-25-2018	Issue for construction
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Date Issued: 07-25-2018  
Drawn by: TY, CRF  
Project number:  
Sheet Title:  
**BUILDING ELEVATIONS**  
Sheet Number:  
**A-300**



① TYP. SECTION DETAIL AT COVE BASE TO CONCRETE FLOORING  
SCALE: 6" = 1'-0"



② SECTION DETAIL AT COVE BASE TO QUARRY TILE FLOORING  
SCALE: 6" = 1'-0"

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**LESSEE**  
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916-916-1111

**GENERAL CONTRACTOR**  
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**PROJECT**  
Blue Plate Malibu  
32333 Pacific Coast Hwy  
Malibu, CA 90262

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Drawn by: TY, CBF  
Project number:  
Sheet Title:  
**DETAILS**  
Sheet Number:  
**A-500**

**ATTACHMENT "A"**  
**Project Description**  
REQUEST FOR DISCRETIONARY APPROVAL  
**Malibu Municipal Code Section 17.66.080**  
Blue Plate Taco  
22333 Pacific Coast Highway Malibu

BPT Malibu, LLC dba Blue Plate Taco ("the Applicant") is seeking the following discretionary approval:

Pursuant to **Malibu Municipal Code Section 17.66.080**, the Applicant **requests Conditional Use Permit Amendment to Conditional Use Permit CUP 14-001** for the on-site sale, service, and consumption of a full line of alcoholic beverages service in connection with a full-service, **2,034 +/-** s.f. restaurant rentable area with **1,493** s.f. on the ground level and **541** s.f. on the second floor; and with 52 seats on the ground floor and 23 seats on the second floor, with hours of operation and alcohol service from 10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. – 11:00 p.m. Friday and Saturday, on an 16,022 s.f. parcel in the CC-Community Commercial zone. \*\* Note the Restaurant square feet is the rentable square feet for the restaurant per agreement.

**PROJECT DESCRIPTION**

The Applicant, Blue Plate Taco ("BPT"), is requesting a Conditional Use Permit Amendment ("CUPA") to allow the on-site sale, service, and consumption of a full line of alcoholic beverages within the interior dining areas and within two patio areas at its new location at 22333 Pacific Coast Highway in Malibu ("Site") in the Malibu Sands Shopping Center ("Center"). The site was previously approved for two Conditional Use Permits in 2014 -- CUP 14-001 and CUP 14-002 ("Existing Approval") which allowed the service and sale of beer and wine pursuant to a type 41 ABC license in connection with previous tenants, Johnnie's New York Pizzeria and Cafe and Thai Dishes Malibu. BPT is requesting a CUPA in order to allow the service of a full line of alcoholic beverages pursuant to a type 47 ABC license within its new restaurant with an indoor dining and outdoor patio area on the ground level, and upper level dining on an outdoor patio.

In terms of the ground level restaurant services areas, it will consist of 280 s.f. indoor floor service area and 240 s.f. outdoor patio floor service area exclusive to BPT patrons. The lower level outdoor patio area is accessible through an entry way located at the back of the restaurant.

In terms of the upper level restaurant service areas, it will consist of 382 s.f. indoor floor service area and 332 s.f. outdoor patio floor service area exclusive to BPT patrons.

Pursuant to M.M.C. Section I 7.24.030 (B) and (D), restaurants and live music are permitted in this zone. The Applicant would like the ability to host indoor live acoustic music. The project has been conditioned

to comply with all applicable provisions of the M.M.C and was granted approval of such use in connection with the previous CUPs: 14-001 and 14-002 in 2014.

The within request for a CUPA is based upon the Applicant's desire to offer patrons a full line of alcoholic beverages to enjoy with their meals. The requested CUPA to allow the Applicant's restaurant to serve a full-line of alcoholic beverages on-site and in an upper patio area will help to put BPT on a more level competitive field with other restaurants in its category as well as to contribute to the environment of this part of PCH. BPT's patrons have expressed the desire to consume cocktails at its locations, and the Applicant would like to be able to respond to its patrons' wishes and accommodate this request.

The Applicant believes that its request for conditional use approval for the service of alcoholic beverages for on-site consumption along with meals at its full-service "beachy chic" Mexican style restaurant is warranted based upon the company's outstanding record of compliance with the California Department of Alcoholic Beverages ("ABC") at this location as well as its four other locations—three in the City of Santa Monica and one in Los Angeles on 3<sup>rd</sup> Street--the appropriateness of the location for the requested use, and its overall reputation as a responsible company which can be trusted to manage the requested ABC license appropriately.

## **THE APPLICANT**

Blue Plate Taco is a Mexican-inspired restaurant that first opened in Santa Monica on Ocean Avenue directly across from Billionaire's Beach in Santa Monica. The new venue, which is due to open in late 2016, offers a light and fresh beachside vibe with a California twist on classic Mexican favorites. The Applicant's goal is to consistently keep its food and service of the highest quality, yet embrace the modern need for healthy quick casual meals with locally grown organic selections.

The Blue Plate Restaurant Group (BPRG) owns and operates several "Blue Plate" themed restaurants: Blue Plate , a diner-style restaurant on Montana Avenue in Santa Monica, which opened in 2003 and serves beer and wine; a Blue Plate Oysterette (BPO), a New England-inspired seafood restaurant located on Ocean Avenue in Santa Monica, which opened in 2009 and serves beer and wine, another BPO location on W 3<sup>rd</sup> Street in the city of Los Angeles; Blue Plate Taco, a Mexican-inspired restaurant on Ocean Avenue in Santa Monica, which opened in 2012 and serves a full line of alcoholic beverages; and the BPT due to open this summer 2016 on PCH in Malibu. The brand is built on the approachability of Blue Plate's food, its staff and its "beachy chic" ambience. Each of the Applicant's restaurants embodies the credo of taking classic dishes and re-inventing them with a healthy California twist. From diner food (BP) to traditional clam shack (BPO) and Mexican cuisine (BPT), these are all typically substantial foods that the Blue Plate Group has succeeded in presenting to its guests with a fresh and healthy new spin.

Designed by Claus Benjamin Freyinger to reflect an open, airy, refreshing space that feels both relaxed and welcoming, the jaunty, blue-and-white décor of BPT will freshen up and add to the newly renovated area along PCH with its fresh and casual menu. The menu stays true to the Santa Monica flagship with signature dishes that feature traditional Mexican-style cuisine all with organic and locally farmed ingredients. Patrons can choose from a variety of dishes which include: tacos made with flour, corn or lettuce wraps that can be filled with their choice of chicken, fish, steak, pork or vegetables, seafood enchiladas, quesadillas, ceviches, guacamole and chips and other items that one would expect from a beach-side Mexican restaurant or resort to name a few. To accompany their meals patrons can select from signature mixed cocktails with their choice of tequila which include: Anejo, Reposado, Blanco/Plata, and Mezcal. All of which can be enjoyed on the beautiful outdoor patio where patrons can watch the sunset and enjoy the

ocean view. The Applicant's request herein will enable it to offer its patrons fresh and creative cocktails to round out the dining experience at its new Malibu location.

While Blue Plate Restaurant Group is quickly expanding its restaurants, they are still a locally owned and operated chain. They only serve locally grown and organic items in all of their dishes which has garnered a dedicated customer base along with a loyal following of regulars and foodies wherever their restaurants are located. The Applicant believes that it offers the perfect balance for this location – the experience and track record of a chain, with the intimacy and freshness of a local “foodie” establishment.

The Applicant believes that its request for the aforementioned is warranted based upon the company's excellent record of compliance with the California Department of Alcoholic Beverages (“ABC”), the appropriateness of the location for the requested use, its history of being a responsible operator, and its overall reputation as a well-established, responsible company which can be trusted to manage the requested ABC license appropriately.

## **THE SITE**

The subject property is an irregular shaped parcel of land totaling approximately 16,022 s.f. in size and zoned CC-Community Commercial. Located at 22333 Pacific Coast Highway, the Applicant's forthcoming new restaurant will occupy a newly remodeled space within an existing shopping center that was originally constructed in 1955. The project site is located along the land side of Pacific Coast Highway and is surrounded by a mix of commercial and residential development that consists of both single and multi-story structures.

In terms of parking, prior to the onset of renovations, 48 parking spaces existed for all of the uses on site. The Center was parked below the City's minimum parking requirement but given its age and nature, lower requirements have been "grandfathered" in for the Center. The Center's proposed off-street parking supply of 44 spaces after renovations was approved by the Planning Commission when the Center's CUP was approved in July 2014.

The previous parking study, completed in 2014, was requested by City of Malibu to document the actual parking demand for the formerly existing and proposed uses on the site, in part to determine whether updates to the Center would affect the existing non-conforming parking situation. Since the renovations are now nearing completion, the tenant mix is clearer, and the Planning Department requires amendment to the CUPs for the two restaurant spaces, the City has requested an update of the prior study to analyze the currently proposed program data/tenant mix. The Center's proposed off-street parking supply remains at the 44 spaces approved by the Planning Commission in 2014.

The request herein is purely operational in nature. The new restaurant will be a “like for like” and in turn the occupancy load and parking requirements will not be affected in a manner that will generate a demand for additional parking stalls. Moreover, the site has already received previous approvals for all of the necessary improvements that are in process. At this time, the developer of the shopping center is in the process of identifying new tenants and other uses that will add to the economic vitality and stability of the site and area overall. The Applicant anticipates that its fresh, beachy vibe will mix well with whatever other tenants are ultimately chosen for the other spaces in the renovated center.

Directly east of the site are residential uses that sit along the Pacific Ocean with PCH as a buffer. Directly north of the site are the Malibu hillsides and mountains. West of the site are other mixed commercial uses

such as Louis T. Busch Associates Realty, Tramonto Trattoria Pizzeria, State Farm Insurance Group, and Malibu Escrow Corporation.

The new restaurant with service of alcohol alongside its meals will be a welcomed addition that will offer visitors of the area an alternative option for dining and an opportunity to enjoy a drink while they visit this beautiful strand of Malibu along PCH. The tenants that are being considered for this site are being screened to ensure that they add to the synergy of this vibrant area while adhering to the central beachy theme that is central to casual Malibu living.

## **PREVIOUS RELATED ENTITLEMENTS**

### Resolution NO. 14-70

On July 7<sup>th</sup>, 2014, the Planning Commission approved Coastal Development Permit No. 13-072, Variance No. 13-038, Site Plan Review No. 14-023, Demolition Permit No. 13-025, and Conditional Use Permit Nos. 14-001 and 14-002 (Thai Dishes and Johnnie's New York Pizzeria) within the Malibu Sands Shopping Center located at 22333 Pacific Coast Highway.

### CUP 14-001

On July 7<sup>th</sup> 2014, the Planning Commission approved a Conditional Use Permit to allow live music and the sale of beer and wine only for on-site consumption in conjunction with restaurant, Thai Dishes.

### CUP 14-002

On July 7<sup>th</sup> 2014, the Planning Commission approved a Conditional Use Permit for the continued operation and allowance of live music in conjunction with a 350 square-foot restaurant ("Johnnies New York Pizzeria and Cafe").



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**Attachment B**  
Proposed Findings  
**Malibu Municipal Code Section 17.66.080**  
Blue Plate Taco  
22333 Pacific Coast Highway Malibu

**A. That the proposed use is one 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).**

The Applicant, BPT Malibu (“Blue Plate Taco” or “the Applicant”), is requesting a Conditional Use Permit Amendment (“CUPA”) for the on-site sale, service, and consumption of a full line of alcoholic beverages pursuant to a type 47 ABC license. The proposed use is one conditionally permitted within the subject zone, the CC zone, and complies with the intent of all of the applicable provisions of the Malibu Municipal Code Title 17 (Zoning). The purpose of the zoning ordinance is to guide the growth and development of the city in an orderly manner consistent with the land use and environmental goals and policies of the city. The purpose of Chapter 17.66, which regulates Conditional Use Permits, is to ensure adequate public review and input for all development projects which potentially impact the community; ensure that the proposed development does not impair the integrity of that district; and to provide the opportunity to impose reasonable and necessary conditions to assure a use’s compatibility with its surroundings. Pursuant to M.M.C. Sec. 17.24.030(B), restaurants are conditionally permitted uses in the CC zoning district. In addition, M.M.C. Section 17.24.030(D) allows for live music. The Applicant would like the ability to offer patrons indoor live acoustic music, as has taken place in the past. The City’s review of the within application for a CUPA will ensure that the proposed use complies with both the letter and the intent of the Malibu Zoning Code.

**B. That the proposed use would not impair the integrity and character of the zone in which it is to be located.**

The proposed use will not impair the integrity and character of the zone in which it is to be located. The Applicant’s request is primarily operational in nature and will not trigger any significant changes to the site, which has been extensively approved pursuant to Case Nos. 14-001 and 14-002 (“Prior Approvals”). The Prior Approvals allowed the service and sale of beer and wine pursuant to a type 41 ABC license in connection with previous tenants, Johnnie’s New York Pizzeria and Cafe and Thai Dishes Malibu. Thus, the purpose of this Application is to obtain permission to serve a full line of alcoholic beverages a for on-site consumption long with live acoustic music and patio dining at BPT, which will replace Thai Dishes but have a different layout and concept. Some operational features are also different from those of Thai Dishes, hence in part the within Application.

The parent company of BPT, Blue Plate Restaurant Group (“BPRG”), is a locally owned and operated restaurant group with a record of being a positive and responsible operator at its other locations in Los

Angeles County: Blue Plate, a diner style restaurant located on Montana Avenue in Santa Monica, a Blue Plate Oysterette (BPO), located on Ocean Avenue in Santa Monica, another BPO location on W 3<sup>rd</sup> Street in the City of Los Angeles, and Blue Plate Taco, on Ocean Avenue in Santa Monica. The restaurant will have operating hours that it believes to be modest and appropriate to its location in a newly renovated shopping center in the CC zone along Pacific Coast Highway -- 10:00 a.m. to 10.00 p.m. Sunday through Thursday, 10:00 a.m. – 11:00 p.m. Friday and Saturday, with simultaneous service of alcohol for onsite consumption within its restaurant and on its outdoor patio areas on the ground level and upper level.

The request, if approved, will allow BPT to provide a service that will be beneficial to the Malibu community overall. BPT is to be located within the upscale, newly reconfigured Malibu Sands Shopping Center in the CC zone. The Applicant's other restaurants have operated in compliance with the ABC and local laws for approximately 13 years at its other locations. The location itself is a commercial center right off of Pacific Coast Highway with surrounding residential areas nearby and with the Pacific Ocean to the west. The Applicant's restaurants have consistently operated in a manner which has been compatible with their surroundings. The Applicant strives to provide its patrons with fresh, delicious food in a pleasant and relaxing environment. The "beachy" vibe of its theme and décor at all its locations is particularly well-suited to its forthcoming location in the Malibu Sands Shopping Center. The request to be able to serve a full line of alcoholic beverages, including live entertainment and patio dining, is meant to enhance BPT's patrons' dining experience. BPT is committed to offering its patrons quality food and service in a fun, relaxing environment, which in turn will benefit the shopping center as a whole and the surrounding area.

For all the above-stated reasons, BPT's request for a CUPA to enable it to offer a full line of alcohol at this location along with live music and patio dining will not, if granted, impair the integrity and character of the zone in which it is located.

**C. That the subject site is physically suitable for the type of land use being proposed.**

The subject site is physically suitable for the type of land use being proposed by the applicant Blue Plate Taco. Its request for a CUPA in order to offers it patrons a full line of alcoholic beverages to enjoy alongside their Mexican-style meals will not trigger any physical changes to the forthcoming restaurant due to the fact that the request will only be operational in nature.

The new restaurant will be a "like for like" in relation to the previous tenants, Thai Dishes and Johnnie's New York Pizzeria. Additionally, the site has already received previous approvals for all of the necessary improvements that are currently being done and implemented under Resolution NO. 14-70. Furthermore, the request to serve alcohol at the restaurant will have no or negligible impact on parking demand, traffic, utilities, sewage and infrastructure.

For all the above-stated reasons, this location is physically suitable for BPT's request for a CUPA to enable it to offer a full line of alcoholic beverages at its restaurant, along with live music and patio dining.

**D. That the proposed use is compatible with the land uses, if any, presently on the subject property and in the surrounding neighborhood.**

The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood. The proposed request is only operational in nature. The site has been commercially developed since 1955, and there have been previous restaurants at this location with alcohol service, live music, and patio dining. The request for a CUPA to enable BPT to offer the service of alcoholic beverages along with its meals will not alter the existing character of use of the subject property.

Blue Plate Taco will be located in a commercial shopping center that provides a variety of different goods and services to meet the needs of the nearby residents, as well as those travelling along PCH or visiting Malibu's beaches. BPT's operating hours --from 10:00 a.m. to 10:00 p.m. Sunday through Thursday, 10:00 a.m. – 11:00 p.m. Friday and Saturday with simultaneous hours of alcohol service—will be modest and appropriate to the character of the subject property and surrounding area.

The Malibu Sands Shopping Center has itself been designed to be attractive and inviting, and to fit in with its surroundings. The requested CUPA for a type 47 ABC license will trigger minimal if any impact on parking demands, traffic, utilities, sewage or infrastructure. At the same time, the requested license type will promote BPT's success at this location well into the future. A long-term, stable, successful business at this location will in turn have a positive impact on its surroundings, as does any successful, appropriately sited business.

Therefore, for all of the above-stated reasons, the proposed use will be compatible with the existing and planned land uses on the subject property and in the surrounding neighborhood.

**E. That 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.**

The proposed use will be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located. If anything, the Applicant's plans for this location will promote the synergy of adjacent uses and support the ongoing prosperity of the area as a whole.

The Applicant's restaurant with the proposed onsite consumption of alcohol substantially conforms to the purpose, intent and provisions of the applicable portion of the General Plan, the Malibu General Plan ("Plan"). While there are residential areas near the site, the restaurant is oriented toward Pacific Coast highway. The subject property is zoned commercial and was developed under commercial standards; therefore, the proposed use is compatible with existing and future land uses within the zoning district. The proposed use is compatible with the general area in which it is located in that the surrounding land uses are comprised of a wide range of commercial and residential uses.

Therefore, for all of the above stated reasons, the proposed use will be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located.

**F. That the project 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.**

There are already adequate provisions for water, sanitation, public utilities and services to the site, such that the proposed use will not be detrimental to public health and safety. The request herein is purely operational

in nature. Moreover, the site has already received previous approvals—Resolution No. 14-70 --for all of the necessary improvements that are in progress. The Applicant only seeks to add the service of alcoholic beverages and live music as an amenity to its restaurant customers. Previous uses on the site had been operating as full service restaurants with beer and wine service, including live music, and all the necessary infrastructure to service BPT and the other uses in the shopping center were reviewed and approved pursuant to the Prior Approvals, which addressed the remodeling of a site which has been commercially developed since the 1950s. The addition of this operational permit will not appreciably impact the demand on any of these services since the remodeling of the center will be a “like for like” as far as the restaurant uses are concerned. Therefore, the Applicant does not anticipate that the proposed addition of alcoholic beverage service will impact the demand for services or will in any other way have a detrimental impact on public health and safety.

**G. That the project does not affect solar access or adversely impact existing public and private views, as defined by staff.**

The project will not affect solar access and there will be no or negligible impact on solar access, nor will the project adversely impact existing public and private views. The Applicant’s request for a CUPA in order to add a type 47 license and live music will not trigger any physical changes to the forthcoming restaurant due to the fact that the requested CUPA will only be operational in nature. BPT will not be changing the footprint of the site and all of the onsite changes currently in progress have received all of the required and necessary approvals by the Planning Commission in 2014 pursuant to Resolution No. 14-70.

**H. That there would be adequate provisions for public access to serve the subject proposal.**

The provision of public access to serve the subject proposal has been reviewed and approved by the Planning Commission as part of the review process for Resolution No. 14-70, which evaluated the overall configuration of the renovated shopping center and the proposed uses within. BPT’s requested ability to serve alcohol at its forthcoming restaurant within the Malibu Sands Shopping Center will not trigger an appreciable amount of extra traffic into the area. BPT is located on PCH and motorists driving along Pacific Coast Highway can see the front of the site. BPT is located on the east side of the highway and entry into the parking area and lot can be obtained via Pacific Coast Highway. The main entry into the restaurant faces Pacific Coast Highway with the parking lot as a buffer between the main street and the restaurant entrance. Adequate provisions have been created to accommodate the public and access to the restaurant as the request is operational only and will not impact existing access.

**I. That the proposed use is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan.**

The proposed use is consistent with the goals, objectives, policies and general land uses of the Malibu General Plan. In terms of the Plan goals applicable to the proposed project, these include encouraging the community’s distinctive character by improving the function, design and economic vitality of the commercial areas in a manner that serves the needs of the community and preserves the character of the community. The use is a conditionally permitted commercial use in the CC zoning district and will operate in a manner that is consistent with goals, objectives and policies of the General Plan. In addition, restaurant uses on the subject property have been in place prior to the adoption of the City’s General Plan. Furthermore, the use is

located in an area identified for visitor serving uses. Because the existing neighborhood along Pacific Coast Highway is commercial in character and because the Applicant's restaurant is oriented toward PCH, the requested CUPA will not adversely affect the Malibu General Plan, which designates this area for commercial retail uses.

Thus, for all the above-stated reasons, the proposed service of a full line of alcoholic beverages at the Applicant's forthcoming restaurant conforms to and is consistent with the goals, objectives, policies and the general land uses of the Malibu General Plan.

**J. That the proposed project complies with all applicable requirements of state and local law.**

Once the requested CUPA is approved, the proposed project will comply with all applicable requirements of state and local law. The Applicant already offers beer and wine and a full line of alcoholic beverages for on-site consumption pursuant to a type 41 and 47 ABC license at its other locations, and has demonstrated an ability to be a responsible operator who respects state and local law. The within request is for a CUPA to allow BPT to serve a full line of alcohol to its patrons at this location as it does at its other BPT located in Santa Monica on Ocean Boulevard. BPT has been a responsible operator for more than a decade at its other locations and has an outstanding record of compliance with the ABC and the police departments in the jurisdiction in which its other restaurants are located.

**K. That the proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.**

The proposed use will not be detrimental to the public interest, health, safety, convenience or welfare. Blue Plate Restaurant Group is committed to upholding its reputation as a responsible ABC license holder by providing the service of alcohol to all its valued customers in a supervised and safe environment.

The within request for a CUPA is based upon the Applicant's desire to offer patrons a full line of alcoholic beverages to enjoy with their meals. The Applicant strives to provide its patrons with fresh, delicious food in a pleasant and relaxing environment. The "beachy" vibe of its theme and decor at all its locations is particularly well-suited for its forthcoming location in the Malibu Sands Shopping Center. The request to be able to serve a full line of alcoholic beverages, including live entertainment and patio dining, is meant to enhance BPT's patrons' dining experience. The location of the Applicant's restaurant within a larger shopping center that is currently being remodeled will have a positive impact on the public interest, healthy, safety, convenience, and welfare as it will provide a pleasant, inviting, responsibly managed restaurant experience in an appropriate environment. The requested CUPA to allow the Applicant's restaurant to serve a full-line of alcoholic beverages on-site and in an expanded patio area that is located on the ground level and upper level will help BPT contribute to the vibrant and dynamic environment of this part of PCH.

Overall, the ability to serve alcoholic beverages will be a pleasant and inviting service that will help ensure the long-term economic success of the restaurant and help to bolster the vitality of the Shopping Center as a whole. Patrons have expressed a desire for such a use at the Applicant's other locations, and this is an appropriate location, and BPT is an appropriate operator, to provide it.

Thus, for all the above stated reasons, the proposed use will not be detrimental to the public interest, health, safety, convenience or welfare.

- L. 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 is operational only in nature and will trigger no physical changes to the location. Thus, there will be no increased risk of earth movement, flooding or liquefaction as a result of the proposed project.

# MEMORANDUM



## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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606 S. Olive Street, Suite 100  
Los Angeles, CA 90012

DATE: May 16, 2016  
TO: Clifford Smith  
COMPANY: Kennedy Wilson  
ADDRESS: 151 S. El Camino Dr.  
CITY/STATE: Beverly Hills, CA 90212  
CC:  
HARD COPY TO FOLLOW: No  
FROM: Jeff Weckstein  
PROJECT NAME: 2016 Parking Study Malibu Sands Commercial Center  
PROJECT NUMBER: 37-8587.00  
SUBJECT: Summary of Findings: Updated Parking Demand Projections for Malibu Sands Center

Office: 213.488.4911  
Fax: 213.488.4983  
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### INTRODUCTION

Walker Parking Consultants is pleased to provide the following Updated Parking Analysis for the Malibu Sands Shopping Center located at 22333 Pacific Coast Highway in the City of Malibu.

Kennedy Wilson met with City of Malibu Planning Department Staff in consultation regarding the Commission approved CUP 14-001 and 14-002 related to two restaurant Leases in process at the Center. Planning determined that both CUPs require amendment. The restaurant tenant prospect for CUP 14-001 requests an increase in Seating from the Commission approved 57 seats up to 75 seats. The coffee shop tenant prospect for CUP 14-002 projects a need for only 23 seat, 6 seats less than the Commission approved CUP 14-002. The coffee shop tenant, however, proposes to modify its space with approximately 328 SF of Retail space, a use not contained in the Commission approval for CUP 14-002. Planning staff required an updated Parking Study due to the increased seating proposed for CUP 14-001 and the Retail use proposed for CUP 14-002.

Planning Staff noted the possible parking demand benefit for the coffee shop tenant request for hours of operation from Commission approved 10:00 AM to 10:00 PM to 6:00 AM to 6:00 PM. The restaurant tenant proposes to operate at the Commission approved hours of operation Sunday through Thursday 10:00 AM to 10:00 PM and Friday and Saturday 10:00 AM to 11:00 PM.

Located across Pacific Coast Highway from "Billionaires Beach," the Malibu Sands Center has been undergoing renovations to upgrade its septic system as well as a complete renovation of its façade. The Center is currently closed, with Kennedy Wilson in the process of re-tenanting the Center for when the renovations are complete. Since completion of the prior parking study, the projected uses and layout of the restaurant spaces have changed sufficiently to prompt a revisiting of the parking requirements by the City.

Kennedy Wilson has engaged Walker Parking Consultants ("Walker") to update the prior parking analysis for the Center, completed by Walker in 2014, to reflect the currently proposed tenant plans and incorporate changes to uses, proposed restaurant seating and service areas, and suite square footage since the Center's Conditional Use Permit (CUP) was approved in July, 2014.

# MEMORANDUM

## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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### PROJECT UNDERSTANDING

Malibu Sands Shopping Center (the "Center") contained approximately 15,606 square feet of commercial space, including two restaurants, two health clubs, several office, retail, and personal services tenants, served by 48 parking spaces, prior to the commencement of renovations. The Center was parked below the City's minimum parking requirements but given its age and nature, lower requirements have been "grandfathered" in for the Center. Due to the need for significant repairs, Kennedy Wilson applied for and was granted coastal development and demolition permits with the City of Malibu to replace the existing septic system on the site and to renovate the Center in the process. The Center's proposed off-street parking supply of 44 spaces after renovations was approved by the Planning Commission when the Center's CUP was approved in July 2014.

The previous parking study, completed in 2014, was requested by City of Malibu to document the actual parking demand for the formerly existing and proposed uses on the site, in part to determine whether updates to the Center would affect the existing non-conforming parking situation. Since the renovations are now nearing completion, the tenant mix is clearer, and the Planning Department requires amendment to the CUPs for the two restaurant spaces, the City has requested an update of the prior study to analyze the currently proposed program data/tenant mix. The Center's proposed off-street parking supply remains at the 44 spaces approved by the Planning Commission in 2014.

Kennedy Wilson has retained Walker Parking Consultants ("Walker") to project the ability of the Center's proposed parking supply to accommodate the renovation of the Center and revisions to the tenant mix. In this new analysis, Walker calculated projected peak parking demand at the Center upon completion of the renovation based on the Walker/ULI Shared Parking Model, and compared it to the prior analysis which was used in the Center's prior Conditional Use Permit (CUP) approval process.

### SUMMARY OF FINDINGS

The following table demonstrates the number of spaces that we project are needed to satisfy typical peak parking demand at Malibu Sands based on the current and proposed uses and one of the following:

1. The minimum parking requirements contained in the City of Malibu's Municipal Code;
2. The Walker/Urban Land Institute (ULI) Shared Parking Model;
3. The Walker/Urban Land Institute (ULI) Shared Parking Model based on the City of Malibu's required minimum parking ratios.

# MEMORANDUM

## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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Table 1: Summary of Findings

	Projected Parking Spaces Needed Based on:	Existing Uses (Pre-Renovation)		Proposed Uses (2014)		Proposed Uses (2016)	
		Wkdy	Wknd	Wkdy	Wknd	Wkdy	Wknd
<b>1</b>	<b>City Code Requirement based on Stand Alone Uses</b>	<b>96</b>		<b>91</b>		<b>85</b>	
<b>2</b>	ULI/Walker Base Stand Alone Use Demand (With no Mode Share Adjustment)	89	88	82	76	83	75
	<b>ULI/Walker Shared Parking Model Demand (Projected Demand)</b>	<b>71</b>	<b>74</b>	<b>62</b>	<b>59</b>	<b>63</b>	<b>59</b>
<b>3</b>	ULI/Walker Stand Alone Use Demand Based on Malibu Code (With no Mode Share Adjustment)	96	96	91	91	85	85
	<b>ULI/Walker Shared Parking Model Demand (Projected Demand) - Based on Malibu Code</b>	<b>75</b>	<b>59</b>	<b>71</b>	<b>53</b>	<b>69</b>	<b>50</b>
	<b>Pre-Renovation Off-Street Parking Supply</b>	<b>48</b>	<b>48</b>				
	<b>Approved Post-Renovation Parking Supply (2014)</b>			<b>44</b>	<b>44</b>		
	<b>Proposed Post-Renovation Parking Supply (2016)</b>					<b>44</b>	<b>44</b>

Source: Walker Parking Consultants, 2014-2016

It should be noted that parking demand is to a certain extent a function of the parking supply. Knowing that parking availability is constrained, customers and employees are likely to take measures that effectively reduce the parking demand of a commercial center, ranging from increasing the number of people per car to visiting a center during non-peak hours. The projections used in the Model reflect suburban, unconstrained demand, which we would consider high-demand scenarios for parking demand and highly unlikely to occur. The constraints of the site make the results of this scenario even less likely on a regular basis.

### PROJECT DESCRIPTION

Prior to the commencement of renovations, the Malibu Sands Shopping Center was a twenty-two (22) suite, two-story commercial center totaling 15,606± square feet.

Figure 1, below, illustrates the configuration and location of the Malibu Sands Shopping Center.

# MEMORANDUM

## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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Figure 1: Malibu Sands Shopping Center, 22333 Pacific Coast Highway, Malibu, California



Source: Image, Google Earth Professional, 2013; graphics, Walker Parking Consultants, 2014

The renovations are leaving the general footprint of the Center intact, including the five existing driveways serving the Center, which have been outlined in Figure 1. Off-street parking at the Center is broken up into three distinct areas due to the topography of the site.

When renovations are complete, Malibu Sands is projected to include 15,534 square feet of commercial space in seventeen (17) suites. The Center will retain two restaurant spaces, however one of the spaces is transitioning to a coffee shop/café with a small retail area. Additionally, the health club and personal service square footage is being reduced while office and retail space increases. The changes to the uses on the site are intended to promote a well-balanced Center that can take advantage of shared parking opportunities due to the different peak hours of parking demand of the individual uses. Table 2 summarizes the proposed occupancy and square footage of the renovated Center's suites.

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## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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Table 2: Malibu Sands Shopping Center Proposed Occupancy by Suite (2016)

Suite	Business	Square Feet
100	Office	1150
110	Retail	1100
120	Retail	1180
150	Restaurant <sup>1</sup>	1944
160	Coffee Shop/Café <sup>2</sup>	1270
170	Retail	1072
180	Retail	600
190	Retail	700
200	Office	725
210	Office	800
220	Office	800
230	Personal Services	604
240	Health Club	579
245	Personal Services	538
255	Office	785
270	Retail	833
280	Office	854
Total square feet		15534

1 = Restaurant will have up to ~~866~~ Square Feet of Service Area

1234 #

2 = Café will have 350 Square Feet of Service Area, and 328 Square Feet of Retail Space

Source: Walker Parking Consultants, 2016

### PROJECTED FUTURE PARKING DEMAND

#### PARKING REQUIRED BASED ON CITY CODE REQUIREMENTS

Table 3 summarizes and compares the amount of parking required for the Center as it existed prior to the commencement of renovations, for the proposed land uses as originally approved in 2014, and for the currently proposed (2016) uses as the renovations near completion, based on the City of Malibu Municipal Code for the individual land uses.

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## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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Table 3: Malibu Sands Shopping Center Parking Requirements for Existing and Proposed Uses Based on City Code for Stand Alone Uses

Land Use	Parking Requirement	Existing Uses (Prior to Renovation)		Proposed Uses (2014)		Proposed Uses (2016)	
		Quantity (SF)	Spaces Required	Quantity (SF)	Spaces Required	Quantity (SF)	Spaces Required
Restaurant (SA)	1/50 SF SA	1,216	24.3	1,376	27.5	<del>1,216</del>	<del>24.3</del>
Restaurant (non-SA) <sup>1</sup>	N/A	2,384	0.0	1,424	0.0	1,869	0.0
Office	1/250 SF	5,054	20.2	4,672	18.7	5,114	20.5
Retail <sup>1</sup>	1/225 SF	2,801	12.4	5,323	23.7	5,813	25.8
Health Club	1/72 SF +1/Employee	2,050	30.5	800	13.1	579	10.0
Personal Services	1/250 SF	2,101	8.4	2,011	8.0	1,142	4.6
<b>Requirement for Stand-Alone Uses</b>		<b>15,606</b>	<b>96</b>	<b>15,606</b>	<b>91</b>	<b>15,733</b>	<b>85</b>

Note: SF = Square Feet, SA = Service Area

<sup>1</sup> = 328 square feet of retail space planned in the coffeeshop/café for 'Proposed Uses (2016)' included in retail total in table

Source: Walker Parking Consultants, 2016

As shown in Table 3, the currently proposed mix of uses at the renovated Center results in a reduction in the total parking required at the Center to 81 parking spaces, compared to 91 parking spaces required for the proposed land uses as originally approved in 2014, and 96 parking spaces required based on the Center's land uses prior to the start of the renovation project.

Municipal code requirements typically do not take into account time of day and seasonal factors that allow developments with a mix of uses to share parking between the uses by creating a well-balanced center. To get an understanding of these factors and the potential benefits of shared parking at the Malibu Sands Shopping Center, Walker utilized the Walker/ULI Shared Parking Model to project parking demand at the Center for the existing, 2014 proposed/approved land uses and 2016 proposed land uses.

### PARKING DEMAND PROJECTIONS BASED ON THE WALKER/ULI SHARED PARKING MODEL

Table 4 summarizes the projected parking demand for the Center as it existed prior to the commencement of renovations, for the proposed land uses as originally approved in 2014, and for the currently proposed (2016) uses, based on application of the Walker/ULI SPM.

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## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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Table 4: Malibu Sands Shopping Center Existing and Proposed Parking Demand Based on ULI/SPM

	Existing Uses (Pre-Renovation)		Proposed Uses (2014)		Proposed Uses (2016)	
	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
Unadjusted Demand	89	88	82	76	83	75
Peak Shared Parking Demand	71	74	62	59	63	59
Shared Parking Reduction	20%	16%	24%	22%	24%	21%

Source: Walker Parking Consultants, 2016

As shown in Table 4, based on the existing land use mix at the center, shared parking opportunities reduce parking demand by 15-20%. Based on the proposed mix of uses at the renovated center, both in 2014 and 2016, shared parking opportunities reduce parking demand by 20-24%.

As also shown in Table 4, the proposed mix of uses at the renovated center results in a lower peak parking demand compared to the existing uses on both an unadjusted and adjusted (shared parking) basis. This is due to the proposed change in tenant mix, as the reduction in health club space reduces overall parking demand at the center, and the change in one restaurant space from a traditional restaurant to a coffee shop/café shifts parking demand from the afternoon and evening to the morning.

The uses currently being proposed produce virtually identical results to the uses proposed in 2014, except for a projected increase in weekday parking demand of one vehicle. Detailed Walker/ULI SPM output sheets and charts are provided as an Appendix to this memorandum.

Once again we emphasize that the unadjusted demand represents a highly unlikely worst case scenario in which all the uses, from health club to retail to office would experience peak demand at the same exact time. While it is useful for comparisons (and determining the extent to which the Center is well balanced and can share parking), as an actual parking demand projection it is largely theoretical.

### PARKING REQUIRED BASED ON THE SHARED PARKING MODEL USING CITY PARKING REQUIREMENTS

At the City's request, Walker has also run the ULI/SPM utilizing the City of Malibu's municipal code requirements, in place of the Model's base parking demand ratios, to calculate unadjusted demand before applying shared parking reductions.

Table 5 summarizes the projected parking demand of the Center, for the Center as it existed prior to the commencement of renovations, for the proposed land uses as originally approved in 2014, and for the currently proposed (2016) uses, based on application of the Walker/ULI SPM utilizing City of Malibu Municipal Code parking requirements.

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## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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Table 5: Malibu Sands Shopping Center Existing and Proposed Parking Demand Based on ULI/SPM and Malibu City Code Parking Requirements

	Existing Uses (Pre-Renovation)		Proposed Uses (2014)		Proposed Uses (2016)	
	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
Unadjusted Demand	96	96	91	91	85	85
Peak Shared Parking Demand	75	59	71	53	69	50
Shared Parking Reduction	22%	39%	22%	42%	19%	41%

Source: Walker Parking Consultants, 2016

As shown in Table 5, based on the existing land use mix at the center, shared parking opportunities reduce parking demand by 22-39%. Based on the proposed mix of uses at the renovated center, shared parking opportunities reduce parking demand by 19-41%. As also shown in Table 5, the proposed mix of uses at the renovated center results in a lower peak parking demand compared to the previously existing uses on both an unadjusted and adjusted (shared parking) basis. This is due to the proposed change in tenant mix, as the reduction in health club space reduces overall parking demand at the center, and the change in one restaurant space from a traditional restaurant to a coffee shop/café shifts parking demand from the afternoon and evening to the morning. These changes more than offset the parking demand associated with the resultant increase in retail space.

The reduction in projected parking demand between the 2014 approved uses and the 2016 proposed uses is driven by reductions in restaurant service area, personal service and health club uses, partially offset by increases in retail and office square footage.

Detailed Walker/ULI SPM output sheets and charts are provided as an Appendix to this memorandum.

Once again we emphasize that the unadjusted demand represents a highly unlikely worst case scenario in which all the uses, from health club to retail to office would experience peak demand at the same exact time. While it is useful for comparisons (and determining the extent to which the Center is well balanced and can share parking), as an actual parking demand projection it is largely theoretical.

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## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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### APPENDIX A – SHARED PARKING MODEL OUTPUT (ULI/SPM MODEL & ULI RATES)

#### EXISTING USES (PRIOR TO RENOVATION) - DETAILED TABLES

Table 6: Existing Uses Before Renovation – (Theoretical) Unadjusted Parking Demand

Malibu Sands - Existing Uses Land Use	Quantity	Weekdays		Weekends	
		Base Ratio Unit	Unadj Pkg Sp	Base Ratio Units	Unadj Pkg Sp
Retail <100,000 sf	4,902	2.90 /ksf GLA	14	3.20 /ksf GLA	16
Employee		0.70	3	0.80	4
Family Restaurant	3,600	9.00 /ksf GLA	32	12.75 /ksf GLA	46
Employee		1.50	5	2.25	8
Health Club	2,050	6.60 /ksf GLA	14	5.50 /ksf GLA	11
Employee		0.40	1	0.25	1
Office <25,000sq ft	5,054	0.30 /ksf GFA	2	0.03 /ksf GFA	0
Employee		3.50	18	0.35	2
Subtotal Customer/Guest Spaces			62		73
Subtotal Employee/Resident Spaces			27		15
Total Parking Spaces			89		88

Source: Walker Parking Consultants, 2014

Table 7: Existing Uses Before Renovation – Projected Shared Parking Demand – Overall Peak Weekday

Malibu Sands - Existing Uses Weekday Land Use	Demand					
	Unadj Demand	Month Jul	Adj 12:00 PM	Pk Hr Adj 12:00 PM	Non Captive Daytime	Drive Ratio Daytime
Retail <100,000 sf	14	100%	95%	100%	95%	12
Employee	3	100%	100%	100%	85%	3
Family Restaurant	32	100%	100%	100%	95%	30
Employee	5	100%	100%	100%	85%	4
Health Club	14	90%	60%	100%	95%	7
Employee	1	100%	75%	100%	85%	1
Office <25,000sq ft	2	100%	15%	100%	100%	0
Employee	18	100%	90%	100%	85%	14
Subtotal Customer/Guest Spaces	62					49
Subtotal Employee/Shared Resident Spaces	27					22
Total Parking Spaces	89					71
					% reduction	20%

Source: Walker Parking Consultants, 2014

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## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

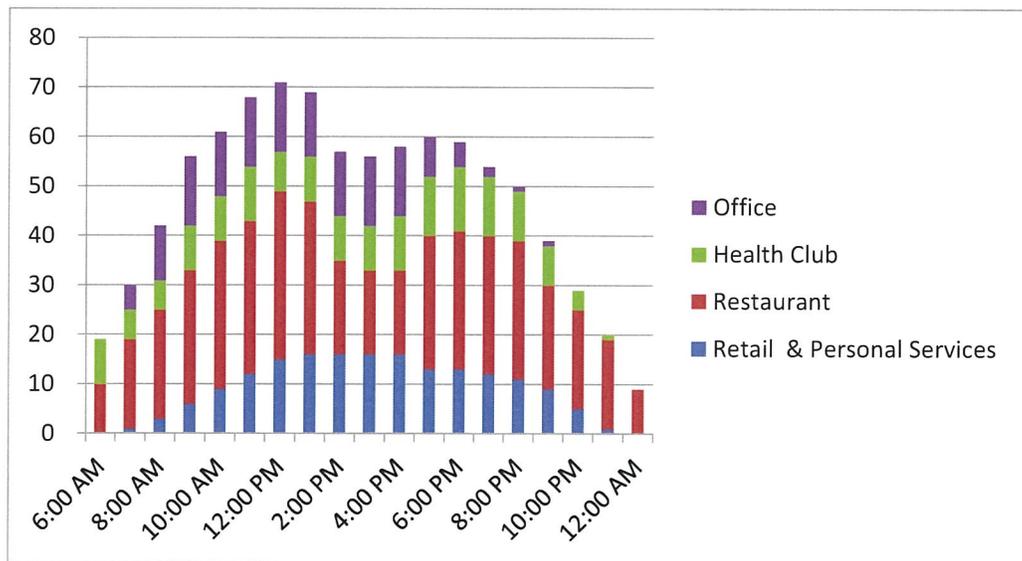
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Table 8: Existing Uses Before Renovation – Projected Shared Parking Demand – Overall Peak Weekend

Malibu Sands - Existing Uses Weekend Land Use	Unadj	Month Adj	Pk Hr Adj	Non Captive	Drive Ratio	Demand
	Demand	December	12:00 PM	Daytime	Daytime	July 12:00 PM
Retail <100,000 sf Employee	16	100%	85%	100%	95%	13
Family Restaurant Employee	4	100%	100%	100%	85%	3
Health Club Employee	46	100%	100%	100%	95%	44
Office <25,000sq ft Employee	8	100%	100%	100%	85%	7
Health Club Employee	11	90%	50%	100%	95%	5
Office <25,000sq ft Employee	1	100%	50%	100%	85%	0
Office <25,000sq ft Employee	0	100%	90%	100%	100%	0
Employee	2	100%	90%	100%	100%	2
Subtotal Customer/Guest Spaces	73					62
Subtotal Employee/Shared Resident Spa	15					12
Total Parking Spaces	88					74
					% reduction	16%

Source: Walker Parking Consultants, 2014

Figure 2: Projected Pre-Renovation Parking Demand by Time of Day (Peak Weekday)



Source: Walker Parking Consultants, 2014

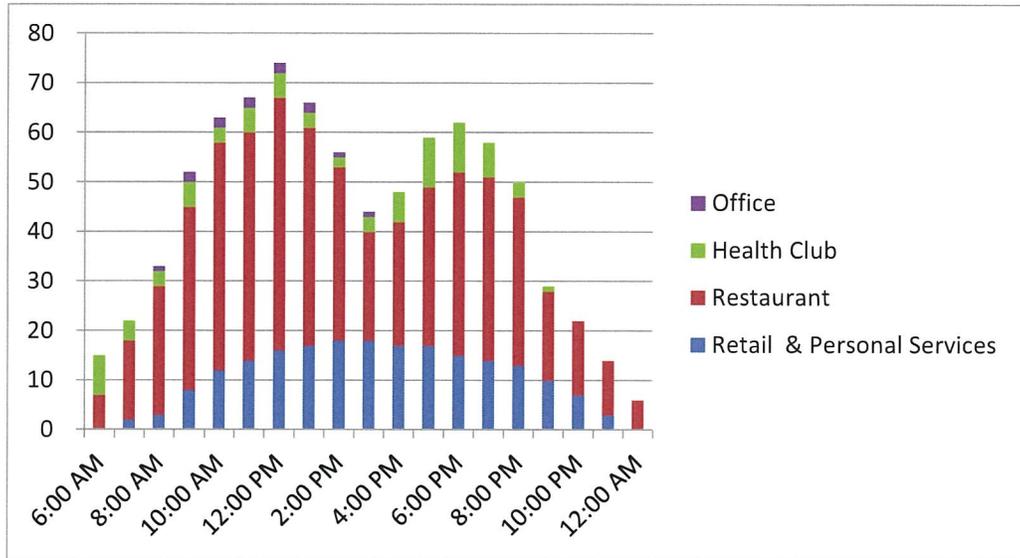
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## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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Figure 3: Projected Pre-Renovation Parking Demand by Time of Day (Peak Weekend)



Source: Walker Parking Consultants, 2014

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## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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### APPROVED (2014) USES - DETAILED TABLES

Table 9: Approved (2014) Uses – Theoretical Unadjusted Parking Demand

Malibu Sands - Proposed Uses		Weekdays		Weekends	
Land Use	Quantity	Base Ratio Unit	Unadj Pkg Sp	Base Ratio Units	Unadj Pkg Sp
Retail <100,000 sf	7,334	2.90 /ksf GLA	21	3.20 /ksf GLA	23
Employee		0.70	5	0.80	6
Family Restaurant	1,800	9.00 /ksf GLA	16	12.75 /ksf GLA	23
Employee		1.50	3	2.25	4
Coffee Shop/Café	1,000	12.75 /ksf GLA	13	12.00 /ksf GLA	12
Employee		2.25	2	2.00	2
Health Club	800	6.60 /ksf GLA	5	5.50 /ksf GLA	4
Employee		0.40	0	0.25	0
Office <25,000sq ft	4,672	0.30 /ksf GFA	1	0.03 /ksf GFA	0
Employee		3.50	16	0.35	2
Subtotal Customer/Guest Spaces			56		62
Subtotal Employee/Resident Spaces			26		14
Total Parking Spaces			82		76

Source: Walker Parking Consultants, 2014

Table 10: Approved (2014) Uses – Projected Shared Parking Demand – Overall Peak Weekday

Malibu Sands - Proposed Uses	Unadj Demand	Month Adj Jul	Pk Hr Adj 12:00 PM	Non Captive Daytime	Drive Ratio Daytime	Demand	
						Jul 12:00 PM	
Retail <100,000 sf	21	100%	95%	100%	95%	18	
Employee	5	100%	100%	100%	85%	4	
Family Restaurant	16	100%	100%	100%	95%	15	
Employee	3	100%	100%	100%	85%	3	
Coffee Shop/Café	13	100%	50%	90%	95%	6	
Employee	2	100%	75%	100%	85%	1	
Health Club	5	90%	60%	100%	95%	3	
Employee	0	100%	75%	100%	85%	0	
Office <25,000sq ft	1	100%	15%	100%	100%	0	
Employee	16	100%	90%	100%	85%	12	
Subtotal Customer/Guest Spaces						42	
Subtotal Employee/Shared Resident Spaces						20	
Subtotal Reserved Spaces						0	
Total Parking Spaces						62	
						% reduction	24%

Source: Walker Parking Consultants, 2014

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## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

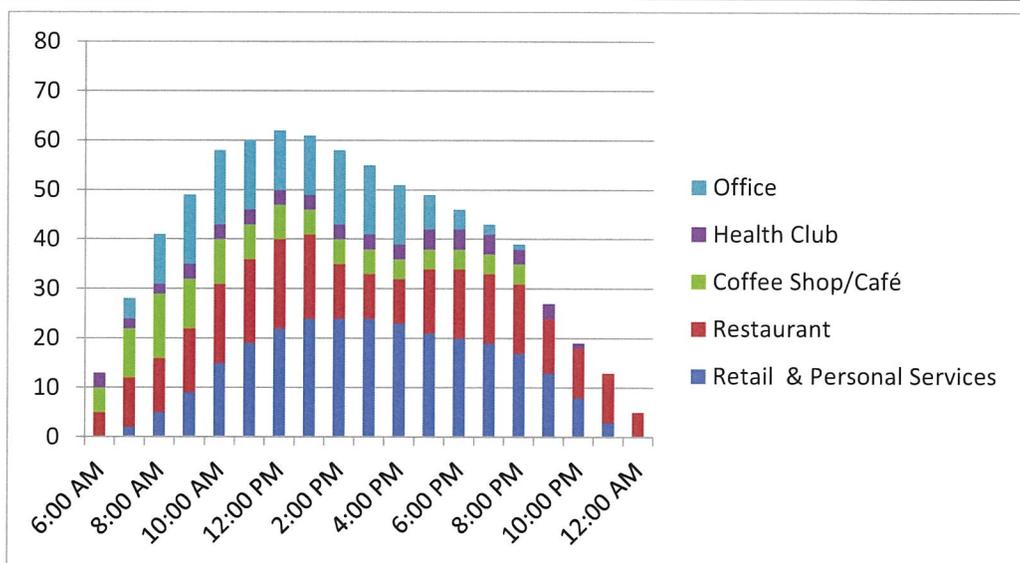
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Table 11: Approved (2014) Uses – Projected Shared Parking Demand – Overall Peak Weekend

Malibu Sands - Proposed Uses Weekend Land Use	Unadj	Month Adj	Pk Hr Adj	Non Captive	Drive Ratio	Demand
	Demand	December	12:00 PM	Daytime	Daytime	July 12:00 PM
Retail <100,000 sf	23	100%	85%	100%	95%	19
Employee	6	100%	100%	100%	85%	5
Family Restaurant	23	100%	100%	100%	95%	22
Employee	4	100%	100%	100%	85%	3
Coffee Shop/Café	12	100%	50%	90%	95%	5
Employee	2	100%	75%	100%	85%	1
Health Club	4	90%	50%	100%	95%	2
Employee	0	100%	50%	100%	85%	0
Office <25,000sq ft	0	100%	90%	100%	100%	0
Employee	2	100%	90%	100%	100%	2
<b>Subtotal Customer/Guest Spaces</b>	<b>62</b>					<b>48</b>
<b>Subtotal Employee/Shared Resident Spa</b>	<b>14</b>					<b>11</b>
<b>Subtotal Reserved Spaces</b>	<b>0</b>					<b>0</b>
<b>Total Parking Spaces</b>	<b>76</b>					<b>59</b>
					<b>% reduction</b>	<b>22%</b>

Source: Walker Parking Consultants, 2014

Figure 4: Approved (2014) Uses Parking Demand by Time of Day (Peak Weekday)



Source: Walker Parking Consultants, 2014

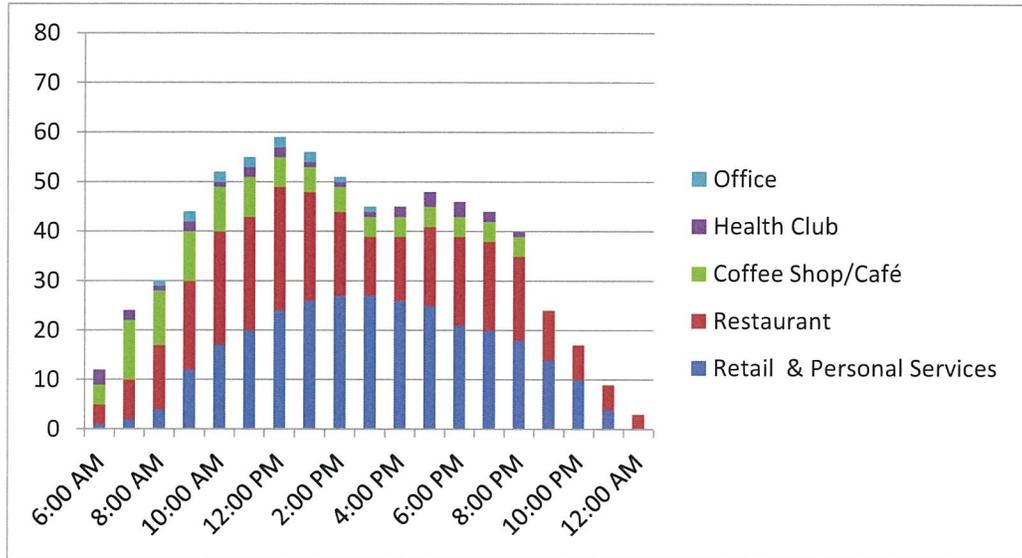
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## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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Figure 5: Approved (2014) Uses Parking Demand by Time of Day (Peak Weekend)



Source: Walker Parking Consultants, 2014

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### PROPOSED (2016) USES - DETAILED TABLES

Table 12: Proposed (2016) Uses – Theoretical Unadjusted Parking Demand

Malibu Sands - Proposed Uses	Quantity	Weekdays		Weekends	
		Base Ratio Unit	Unadj Pkg Sp	Base Ratio Units	Unadj Pkg Sp
Land Use					
Retail <100,000 sf	6,955	2.90 /ksf GLA	20	3.20 /ksf GLA	22
Employee		0.70	5	0.80	6
Family Restaurant	1,944	9.00 /ksf GLA	17	12.75 /ksf GLA	25
Employee		1.50	3	2.25	4
Coffee Shop/Café	942	12.75 /ksf GLA	12	12.00 /ksf GLA	11
Employee		2.25	2	2.00	2
Health Club	579	6.60 /ksf GLA	4	5.50 /ksf GLA	3
Employee		0.40	0	0.25	0
Office <25,000sq ft	5,114	0.30 /ksf GFA	2	0.03 /ksf GFA	0
Employee		3.50	18	0.35	2
Subtotal Customer/Guest Spaces			55		61
Subtotal Employee/Resident Spaces			28		14
Total Parking Spaces			83		75

Source: Walker Parking Consultants, 2016

Table 13: Proposed (2016) Uses – Projected Shared Parking Demand – Overall Peak Weekday

Malibu Sands - Proposed Uses	Unadj Demand	Month Adj Jul	Pk Hr Adj 1:00 PM	Non Captive Daytime	Drive Ratio Daytime	Demand
						Jul 1:00 PM
Land Use						
Retail <100,000 sf	20	100%	85%	100%	95%	19
Employee	5	100%	95%	100%	85%	4
Family Restaurant	17	100%	90%	100%	95%	15
Employee	3	100%	100%	100%	85%	3
Coffee Shop/Café	12	100%	50%	90%	95%	4
Employee	2	100%	75%	100%	85%	1
Health Club	4	90%	80%	100%	95%	2
Employee	0	100%	75%	100%	85%	0
Office <25,000sq ft	2	100%	45%	100%	100%	1
Employee	18	100%	100%	100%	85%	14
Subtotal Customer/Guest Spaces	55					41
Subtotal Employee/Shared Resident Spaces	28					22
Subtotal Reserved Spaces	0					0
Total Parking Spaces	83					63
					% reduction	24%

Source: Walker Parking Consultants, 2016

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## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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Table 14: Proposed (2016) Uses – Projected Shared Parking Demand – Overall Peak Weekend

Malibu Sands - Proposed Uses Weekend Land Use	Unadj	Month Adj	Pk Hr Adj	Non Captive	Drive Ratio	Demand
	Demand	December	12:00 PM	Daytime	Daytime	July 12:00 PM
Retail <100,000 sf	22	100%	85%	100%	95%	18
Employee	6	100%	100%	100%	85%	5
Family Restaurant	25	100%	100%	100%	95%	24
Employee	4	100%	100%	100%	85%	3
Coffee Shop/Café	11	100%	50%	90%	95%	5
Employee	2	100%	75%	100%	85%	1
Health Club	3	90%	50%	100%	95%	1
Employee	0	100%	50%	100%	85%	0
Office <25,000sq ft	0	100%	90%	100%	100%	0
Employee	2	100%	90%	100%	100%	2
<b>Subtotal Customer/Guest Spaces</b>	<b>61</b>					<b>48</b>
<b>Subtotal Employee/Shared Resident Spa</b>	<b>14</b>					<b>11</b>
<b>Subtotal Reserved Spaces</b>	<b>0</b>					<b>0</b>
<b>Total Parking Spaces</b>	<b>75</b>					<b>59</b>
					<b>% reduction</b>	<b>21%</b>

Source: Walker Parking Consultants, 2016

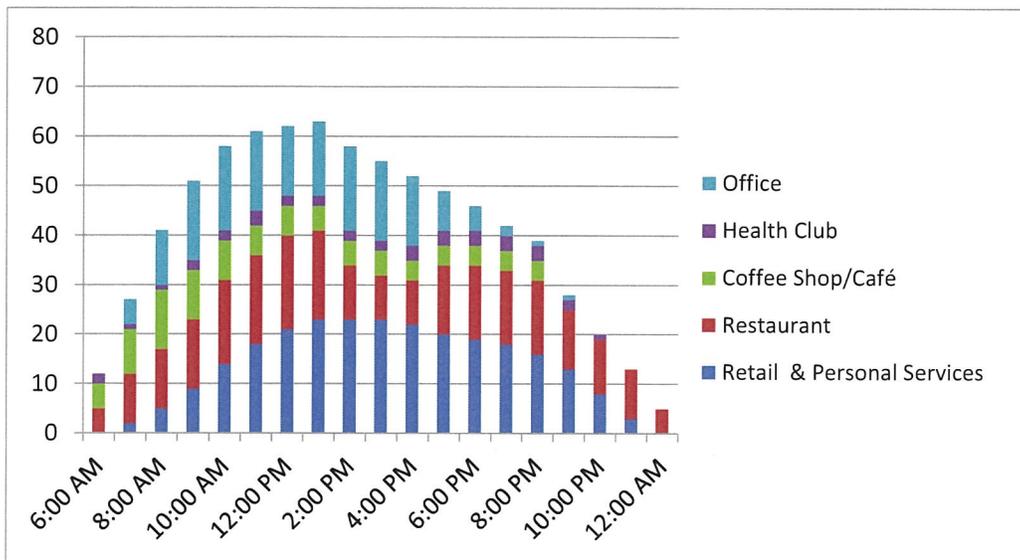
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## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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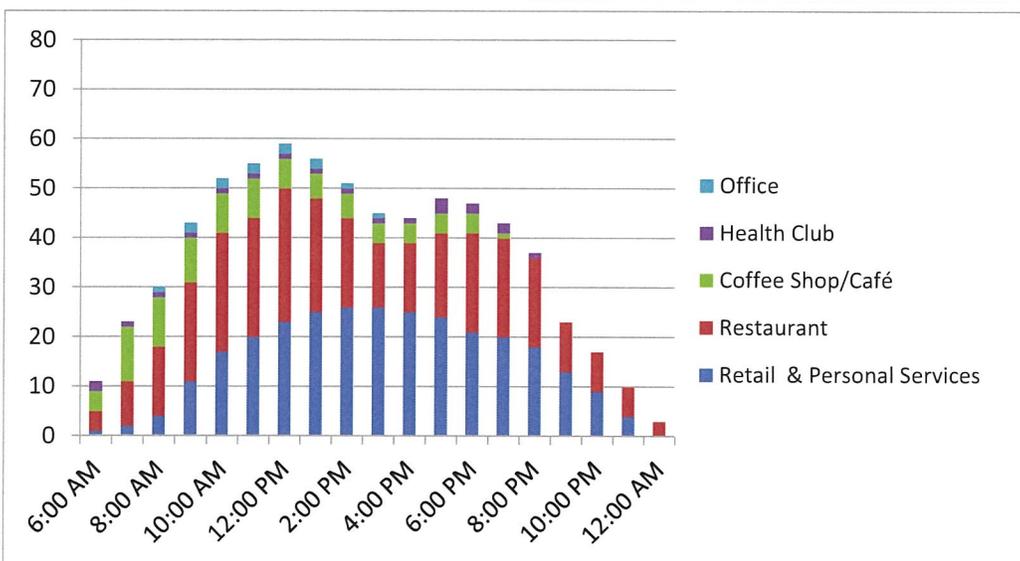


Figure 6: Proposed (2016) Uses Parking Demand by Time of Day (Peak Weekday)



Source: Walker Parking Consultants, 2016

Figure 7: Proposed (2016) Uses Parking Demand by Time of Day (Peak Weekend)



Source: Walker Parking Consultants, 2016

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### APPENDIX B – SHARED PARKING MODEL OUTPUT (ULI/SPM MODEL & CITY OF MALIBU RATES)

#### EXISTING USES BEFORE RENOVATION - DETAILED TABLES

Table 15: Existing Uses Before Renovation - Unadjusted Parking Demand

Malibu Sands - Existing Uses - City Code		Weekdays			Weekends			
Land Use	Quantity	Base Ratio	Unit	Unadj Pkg Sp	Base Ratio	Units	Unadj Pkg Sp	
Retail < 100,000 sf	2,801	3.58	/ksf GLA	10	3.58	/ksf GLA	10	
Employee		0.86		2	0.86		2	
Personal Services	2,101	3.20	/ksf GLA	7	3.20	/ksf GLA	7	
Employee		0.80		2	0.80		2	
Family Restaurant	1,216	17.10	/ksf SA	21	17.10	/ksf SA	21	
Employee		2.90		4	2.90		4	
Health Club	2,050	13.09	/ksf GLA	28	13.09	/ksf GLA	28	
Employee		0.79		2	0.79		2	
Office <25,000sq ft	5,054	0.34	/ksf GFA	2	0.34	/ksf GFA	2	
Employee		3.66		18	3.66		18	
Subtotal Customer/Guest Spaces				68				68
Subtotal Employee/Resident Spaces				28				28
Total Parking Spaces				96				96

Source: Walker Parking Consultants, 2014

Table 16: Existing Uses Before Renovation- Shared Parking Demand – Overall Peak Weekday

Malibu Sands - Existing Uses Weekday	Unadj Demand	Month December	Adj 1:00 PM	Pk Hr Adj 1:00 PM	Non Captive Daytime	Drive Ratio Daytime	Demand	
							July 1:00 PM	
Retail < 100,000 sf	10	100%	100%	100%	100%	95%	10	
Employee	2	100%	100%	100%	100%	85%	2	
Personal Services	7	100%	95%	100%	100%	100%	7	
Employee	2	100%	100%	100%	100%	100%	2	
Family Restaurant	21	100%	90%	100%	100%	95%	18	
Employee	4	100%	100%	100%	100%	85%	3	
Health Club	28	90%	70%	100%	100%	95%	17	
Employee	2	100%	75%	100%	100%	85%	1	
Office <25,000sq ft	2	100%	45%	100%	100%	100%	1	
Employee	18	100%	90%	100%	100%	85%	14	
Subtotal Customer/Guest Spaces							53	
Subtotal Employee/Shared Resident Spaces							22	
Subtotal Reserved Spaces							0	
Total Parking Spaces							75	
							% reduction	22%

Source: Walker Parking Consultants, 2014

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## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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Table 17: Existing Uses Before Renovation - Shared Parking Demand – Overall Peak Weekend

Malibu Sands - Existing Uses Weekend Land Use	Unadj	Month Adj	Pk Hr Adj	Non Captive	Drive Ratio	Demand
	Demand	December	5:00 PM	Daytime	Daytime	July 5:00 PM
Retail < 100,000 sf	10	100%	90%	100%	95%	9
Employee	2	100%	95%	100%	85%	2
Personal Services	7	100%	70%	100%	100%	5
Employee	2	100%	75%	100%	100%	2
Family Restaurant	21	100%	60%	100%	95%	12
Employee	4	100%	95%	100%	85%	3
Health Club	28	90%	100%	100%	95%	24
Employee	2	100%	100%	100%	85%	2
Office <25,000sq ft	2	100%	1%	100%	100%	0
Employee	18	100%	1%	100%	100%	0
Subtotal Customer/Guest Spaces	68					50
Subtotal Employee/Shared Resident Spa	28					9
Subtotal Reserved Spaces	0					0
Total Parking Spaces	96					59
					% reduction	39%

Source: Walker Parking Consultants, 2014

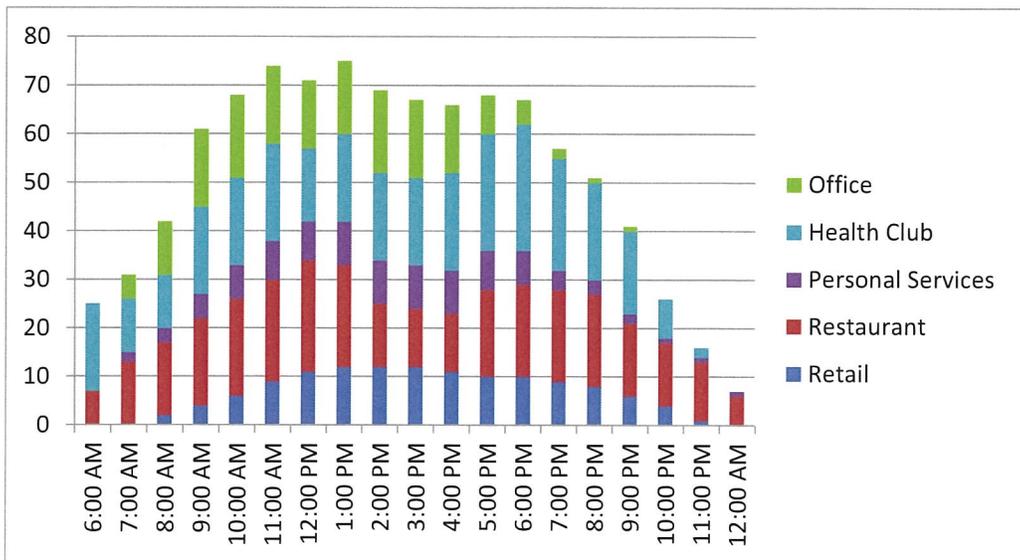
# MEMORANDUM



## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

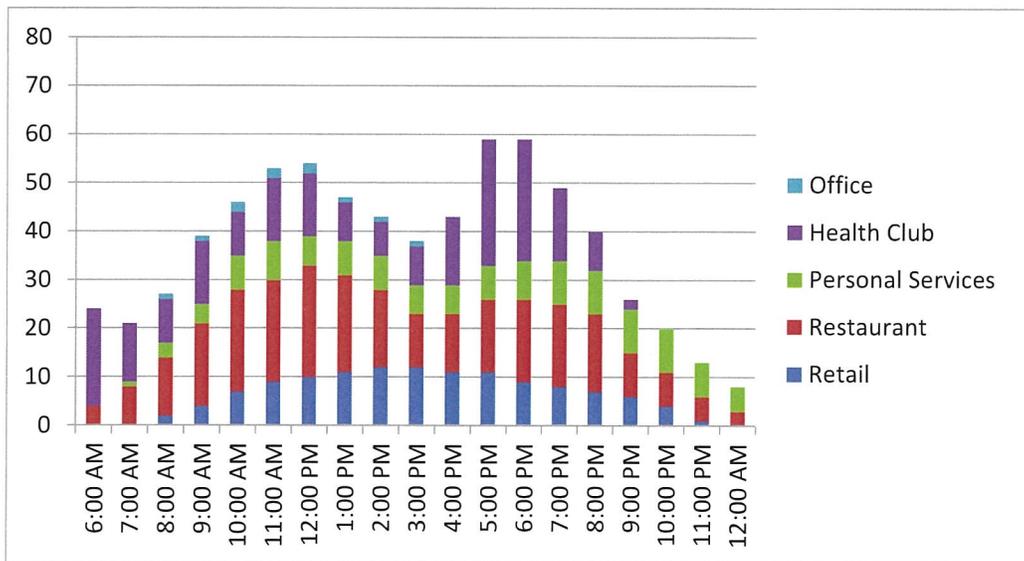
PAGE 20

Figure 8: Existing Parking Demand Before Renovation by Time of Day (Peak Weekday)



Source: Walker Parking Consultants, 2014

Figure 9: Existing Parking Demand Before Renovation by Time of Day (Peak Weekend)



Source: Walker Parking Consultants, 2014

# MEMORANDUM



## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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### APPROVED (2014) USES - DETAILED TABLES

Table 18: Approved (2014) Uses - Unadjusted Parking Demand

Malibu Sands - Proposed Uses - City Code		Weekdays		Weekends	
Land Use	Quantity	Base Ratio Unit	Unadj Pkg Sp	Base Ratio Units	Unadj Pkg Sp
Retail < 100,000 sf	5,323	3.58 /ksf GLA	19	3.58 /ksf GLA	19
Employee		0.86	5	0.86	5
Personal Services	2,011	3.20 /ksf GLA	6	3.20 /ksf GLA	6
Employee		0.80	2	0.80	2
Family Restaurant	866	17.10 /ksf GLA	15	17.10 /ksf GLA	15
Employee		2.90	3	2.90	3
Coffee Shop/Café	510	16.96 /ksf GLA	9	16.96 /ksf GLA	9
Employee		3.04	2	3.04	2
Health Club	800	13.09 /ksf GLA	10	13.09 /ksf GLA	10
Employee		0.79	1	0.79	1
Office <25,000sq ft	4,672	0.34 /ksf GFA	2	0.34 /ksf GFA	2
Employee		3.66	17	3.66	17
Subtotal Customer/Guest Spaces			61		61
Subtotal Employee/Resident Spaces			30		30
Total Parking Spaces			91		91

Source: Walker Parking Consultants, 2014

Table 19: Approved (2014) Uses - Shared Parking Demand – Overall Peak Weekday

Malibu Sands - Proposed Uses	Unadj Demand	Month Adj December	Pk Hr Adj 1:00 PM	Non Captive Daytime	Drive Ratio Daytime	Demand	
						July 1:00 PM	
Land Use							
Retail < 100,000 sf	19	100%	100%	100%	95%	18	
Employee	5	100%	100%	100%	85%	4	
Personal Services	6	100%	95%	100%	100%	6	
Employee	2	100%	100%	100%	100%	2	
Family Restaurant	15	100%	90%	100%	95%	13	
Employee	3	100%	100%	100%	85%	3	
Coffee Shop/Café	9	100%	40%	90%	95%	3	
Employee	2	100%	75%	100%	85%	1	
Health Club	10	90%	70%	100%	95%	6	
Employee	1	100%	75%	100%	85%	1	
Office <25,000sq ft	2	100%	45%	100%	100%	1	
Employee	17	100%	90%	100%	85%	13	
Subtotal Customer/Guest Spaces						47	
Subtotal Employee/Shared Resident Spaces						24	
Subtotal Reserved Spaces						0	
Total Parking Spaces						71	
						% reduction	22%

Source: Walker Parking Consultants, 2014

# MEMORANDUM



## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

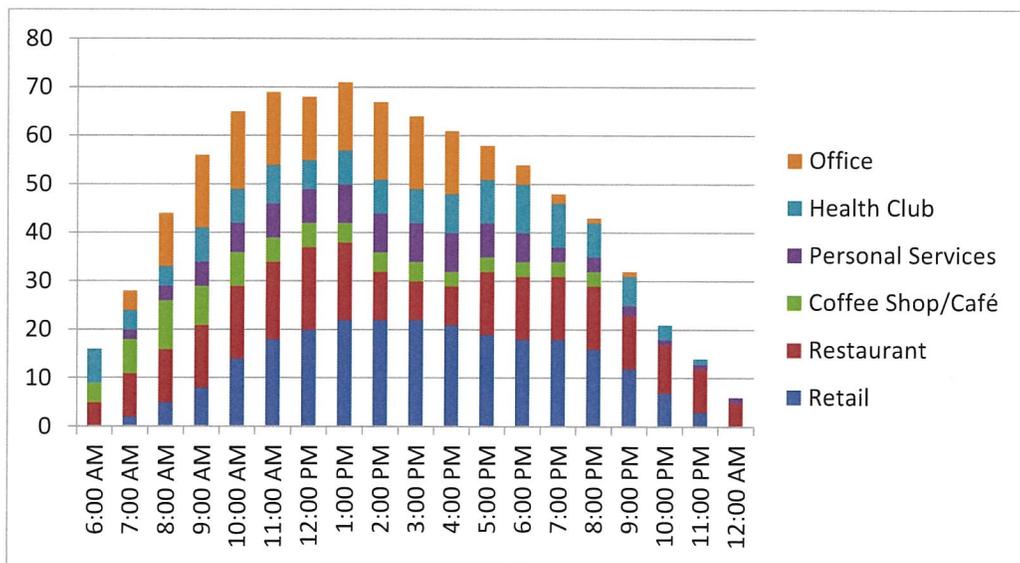
PAGE 22

Table 20: Approved (2014) Uses - Shared Parking Demand – Overall Peak Weekend

Malibu Sands - Proposed Uses Weekend Land Use	Unadj	Month Adj	Pk Hr Adj	Non Captive	Drive Ratio	Demand
	Demand	December	11:00 AM	Daytime	Daytime	July 11:00 AM
Retail < 100,000 sf	19	100%	70%	100%	95%	13
Employee	5	100%	95%	100%	85%	4
Personal Services	6	100%	80%	100%	100%	5
Employee	2	100%	100%	100%	100%	2
Family Restaurant	15	100%	90%	100%	95%	13
Employee	3	100%	100%	100%	85%	3
Coffee Shop/Café	9	100%	60%	90%	95%	5
Employee	2	100%	100%	100%	85%	2
Health Club	10	90%	50%	100%	95%	4
Employee	1	100%	50%	100%	85%	0
Office <25,000sq ft	2	100%	10%	100%	100%	0
Employee	17	100%	10%	100%	100%	2
Subtotal Customer/Guest Spaces	61					40
Subtotal Employee/Shared Resident Spa	30					13
Subtotal Reserved Spaces	0					0
Total Parking Spaces	91					53
					% reduction	42%

Source: Walker Parking Consultants, 2014

Figure 10: Approved (2014) Parking Demand by Time of Day (Peak Weekday)



Source: Walker Parking Consultants, 2014

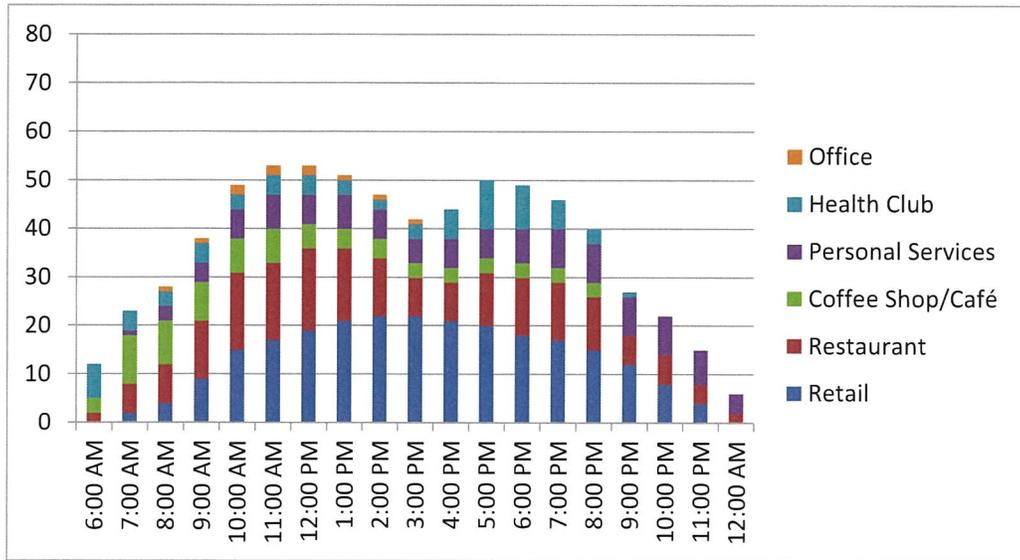
# MEMORANDUM

## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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Figure 11: Approved (2014) Parking Demand by Time of Day (Peak Weekend)



Source: Walker Parking Consultants, 2014

# MEMORANDUM



## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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### PROPOSED (2016) USES - DETAILED TABLES

Table 21: Proposed (2016) Uses - Unadjusted Parking Demand

Malibu Sands - Proposed Uses	Quantity	Weekdays		Weekends	
		Base Ratio Unit	Unadj Pkg Sp	Base Ratio Units	Unadj Pkg Sp
Land Use					
Retail < 100,000 sf	5,813	3.58 /ksf GLA	21	3.58 /ksf GLA	21
Employee		0.86	5	0.86	5
Personal Services	1,142	3.20 /ksf GLA	4	3.20 /ksf GLA	4
Employee		0.80	1	0.80	1
Restaurant	866	17.10 /ksf GLA	15	17.10 /ksf GLA	15
Employee		2.90	3	2.90	3
Coffee Shop/Café	350	16.96 /ksf GLA	6	16.96 /ksf GLA	6
Employee		3.04	1	3.04	1
Health Club	579	13.09 /ksf GLA	8	13.09 /ksf GLA	8
Employee		0.79	0	0.79	0
Office <25,000sq ft	5,114	0.34 /ksf GFA	2	0.34 /ksf GFA	2
Employee		3.66	19	3.66	19
Subtotal Customer/Guest Spaces			56		56
Subtotal Employee/Resident Spaces			29		29
Total Parking Spaces			85		85

Source: Walker Parking Consultants, 2016

Table 22: Proposed (2016) Uses - Shared Parking Demand – Overall Peak Weekday

Malibu Sands - Proposed Uses	Unadj Demand	Month Adj December	Pk Hr Adj 1:00 PM	Non Captive Daytime	Drive Ratio Daytime	Demand
						July 1:00 PM
Land Use						
Retail < 100,000 sf	21	100%	100%	100%	95%	20
Employee	5	100%	100%	100%	85%	4
Personal Services	4	100%	95%	100%	100%	4
Employee	1	100%	100%	100%	100%	1
Restaurant	15	100%	90%	100%	95%	13
Employee	3	100%	100%	100%	85%	3
Coffee Shop/Café	6	100%	40%	90%	95%	2
Employee	1	100%	75%	100%	85%	1
Health Club	8	90%	70%	100%	95%	5
Employee	0	100%	75%	100%	85%	0
Office <25,000sq ft	2	100%	45%	100%	100%	1
Employee	19	100%	90%	100%	85%	15
Subtotal Customer/Guest Spaces	56					45
Subtotal Employee/Shared Resident Spaces	29					24
Subtotal Reserved Spaces	0					0
Total Parking Spaces	85					69
					% reduction	19%

Source: Walker Parking Consultants, 2016

# MEMORANDUM



## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

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Table 23: Proposed (2016) Uses - Shared Parking Demand – Overall Peak Weekend

Malibu Sands - Proposed Uses Weekend Land Use	Unadj	Month Adj	Pk Hr Adj	Non Captive	Drive Ratio	Demand
	Demand	December	12:00 PM	Daytime	Daytime	July 12:00 PM
Retail < 100,000 sf	21	100%	85%	100%	95%	17
Employee	5	100%	100%	100%	85%	4
Personal Services	4	100%	60%	100%	100%	2
Employee	1	100%	100%	100%	100%	1
Restaurant	15	100%	100%	100%	95%	14
Employee	3	100%	100%	100%	85%	3
Coffee Shop/Café	6	100%	50%	90%	95%	3
Employee	1	100%	75%	100%	85%	1
Health Club	8	90%	50%	100%	95%	3
Employee	0	100%	50%	100%	85%	0
Office <25,000sq ft	2	100%	9%	100%	100%	0
Employee	19	100%	9%	100%	100%	2
Subtotal Customer/Guest Spaces	56					39
Subtotal Employee/Shared Resident Spa	29					11
Subtotal Reserved Spaces	0					0
Total Parking Spaces	85					50
					% reduction	41%

Source: Walker Parking Consultants, 2016

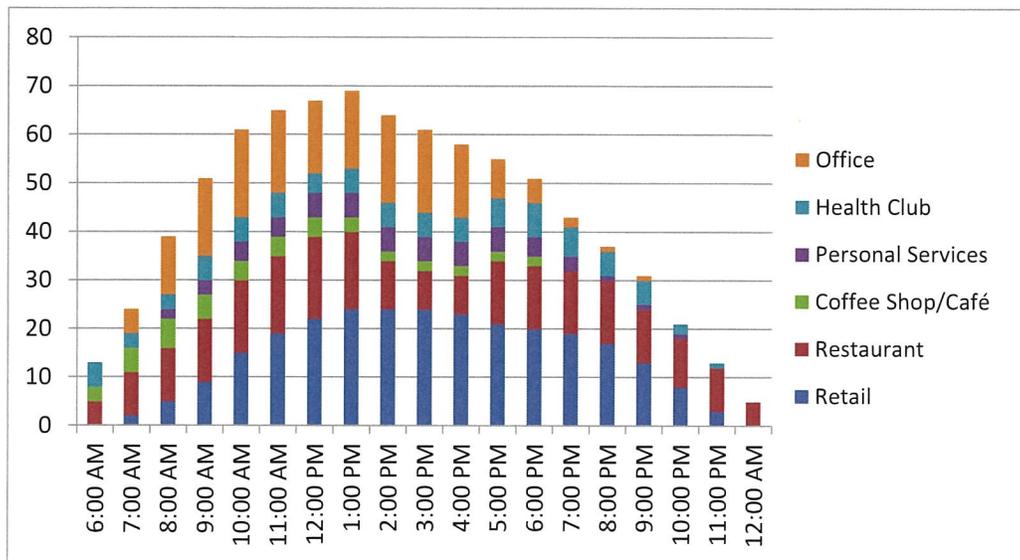
# MEMORANDUM

## MALIBU SANDS SHOPPING CENTER – PARKING ANALYSIS

PAGE 26

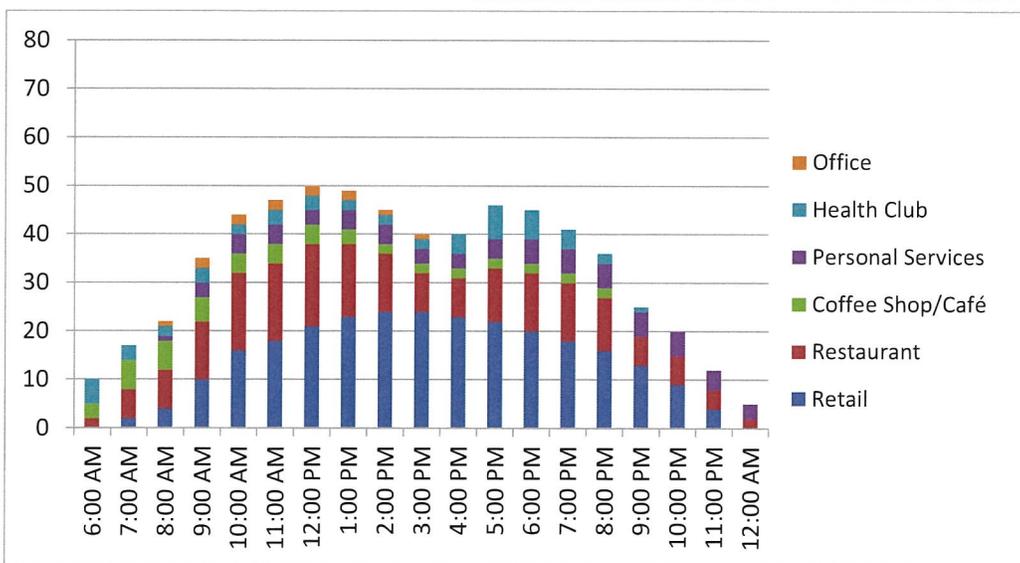


Figure 12: Proposed (2016) Parking Demand by Time of Day (Peak Weekday)



Source: Walker Parking Consultants, 2016

Figure 13: Proposed (2016) Parking Demand by Time of Day (Peak Weekend)



Source: Walker Parking Consultants, 2016

# VALET PARKING PLAN

MALIBU SANDS SHOPPING CENTER



**WALKER**  
PARKING CONSULTANTS

PAGE 1

DATE: September 2, 2016

TO: Cliff Smith  
Senior Vice President

COMPANY: Kennedy Wilson Commercial Investment Group

ADDRESS: 9701 Wilshire Blvd.  
Suite 700

CITY/STATE: Beverly Hills, CA

HARD COPY TO FOLLOW: No

FROM: Sue Thompson

PROJECT NAME: Valet Parking Plan Services - Malibu Sands Shopping Center

PROJECT NUMBER: 37-8587.01

SUBJECT: Valet Parking Plan Services

RECEIVED  
SEP 02 2016  
PLANNING DEPT.

Walker Parking Consultants (Walker) was retained by Kennedy Wilson Commercial Investment Group (Kennedy Wilson) to propose a valet parking plan for Malibu Sands Shopping Center at 22333 Pacific Coast Highway, Malibu, California for the purpose of meeting the parking requirements for the remodeled shopping center. Malibu Sands Shopping Center (the "Center") contains approximately 15,600 commercial square feet, including two restaurants, office space, retail, and personal services tenants. There is a total of 44 actual parking spaces, spread across three parking areas, that service the Center. Walker also recently had the opportunity to work with Kennedy Wilson on a parking analysis at the Center that was submitted to, and approved, by the City.

With the addition of outdoor seating for one of the Center's tenants, Blue Plate Taco, the required number of parking spaces for the Center increased by 7.32 spaces (rounded to 8). To accommodate this increased need for spaces, Kennedy Wilson is looking at adding a valet operation as well as vehicle stackers to the parking areas. Kennedy Wilson asked Walker to provide a valet plan that includes specifics around how a valet operation would operate at the Center. Additionally, Kennedy Wilson is looking at adding valet stackers on the far east and west ends of the parking areas, which would add an additional five (5) parking space to the lot, helping to meet the criteria for the eight (8) additional parking spaces.

## METHODOLOGY AND ASSUMPTIONS

Walker took a multi-faceted approach to address the parking needs of Kennedy Wilson while keeping in mind the concerns around traffic and vehicles circulating on Pacific Coast Highway

# VALET PARKING PLAN

MALIBU SANDS SHOPPING CENTER

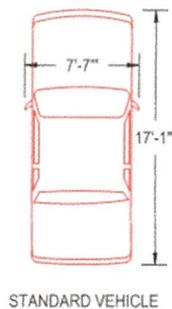


PAGE 2

(PCH). Walker relied on the following assumptions when providing options and recommendations:

- The drawings provided by Kennedy Wilson are the most recent and accurate drawings of the Center;
- Valet parking will be provided as valet assist as opposed to full valet (as detailed in Valet Assist section below);
- The vehicle stackers are noted on the drawings to quantify added spaces; Kennedy Wilson is coordinating the vehicle stacker project;
- Walker utilized the drawings in relation to a valet study, and any Walker specific dimensions are noted as such on the drawings;
- Vehicles shown on drawings are based on "Walker's Standard Vehicle" which is based on a standard size crossover SUV, as shown in *Figure 1*:

Figure 1: Standard Typical Vehicle Dimensions



Source: Walker Parking Consultants, 2016

## VALET ASSIST

In evaluating the parking areas, Walker looked at options that would maximize parking efficiency while keeping in mind the need to provide acceptable queuing areas inside the parking lots and alleviate vehicle traffic onto PCH. While a full valet operation was considered, we believe that utilizing a full valet operation would cause traffic and queueing problems within the lot and those issues could spill out on to PCH causing traffic issues on the highway. Walker believes that the best recommendation for this lot— taking into consideration both traffic and customer service – is to institute a valet assist operation.

Valet parking is often confused with a "valet assist" operation. Valet assist parking is utilized in facilities where there is no single drop off point; instead, parkers will self-park their vehicle in the drive aisle as directed by the valet, and then allow the valet access to their vehicles' keys. This enables the valet to have the ability to move vehicles as needed to allow drivers, whose vehicles are blocked, to exit. Valets are stationed within the lot, with no single drop off area. Valet assist

# VALET PARKING PLAN

MALIBU SANDS SHOPPING CENTER



**WALKER**  
PARKING CONSULTANTS

PAGE 3

operations are recommended when there is an opportunity to increase capacity by utilizing the aisles for additional parking.

The proposed valet parking plan that Walker is recommending is a Valet Assist method of operation. The Valet Assist operation will work as follows:

- Customer drives in to the parking lot;
- The valet is positioned within the lot so they can easily move around and assist customers;
- If self-parking is available, the valet directs the customer to self-park;
- If self-parking is full, the valet directs the customer to park in the aisle;
- The customer gives the valet their keys and the valet gives customer a claim check and tags the keys with corresponding credentials;
- Valet places keys in locked key box;
- Valet vehicles can be moved within the lot to allow access to vehicles that are blocked, as needed

This type of operation will allow customers to park quickly, for traffic to continue flowing freely in the lot, and helps ensure that traffic does not back up out on to PCH as people are waiting to be valet parked. The valet only moves vehicles if needed to provide access to vehicles that are blocked.

As shown in *Exhibit B*, by limiting the number of valet vehicles in the lot to (6) six, enough room is provided to allow the valet to move vehicles within the lot without the need to drive the vehicle out of the lot, on to PCH, then back into the lot. The example shown is a vehicle that needs to exit from one of the parking spaces that is blocked by a valet vehicle. The valet vehicle will be moved forward or backward, out of the way of the vehicle that needs to exit, then the valet vehicle will be driven in to the parking spot that has been vacated. This will be the procedure followed anytime a vehicle needs to be moved.

The Center has a total of 44 parking spaces, spaced over three parking areas, as shown in *Exhibit A*:

- The West Lot (*Exhibit B*) : 26 parking spaces
- The Middle Lot (*Exhibit E*) : 13 parking spaces
- The East Lot (*Exhibit E*) : 5 parking spaces

In reviewing each parking area, the Middle and East Lots are small and configured in such a way that a valet operation is not feasible. The West Lot, however, is set up in such a way that a valet assist operation would be feasible and would be the best option for the Center to utilize.

Walker reviewed the different operational dimensions that can affect valet assist operations. When looking at a valet assist operation, it is important to look at dimensions that affect how the operation will run including: 1) the turning radius from the road in to the lot when valet vehicles are parked in aisles, 2) the distance between valet stacked vehicles which affects service

# VALET PARKING PLAN

MALIBU SANDS SHOPPING CENTER



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retrieval times and the ability to "jockey" vehicles, 3) the number of valet vehicles parked per actual space. Walker's standard projection for stacked valet parking is one valet vehicle per 2 to 3 actual parking spaces. Walker found that, when placing valet vehicles within the schematics of the West Lot, all dimensions are within acceptable parameters for a valet operation:

Turning Radius ( <i>Exhibit C</i> )	:	24'
Distance Between Valet Vehicles ( <i>Exhibit B</i> )	:	1.4'
Number of Valet Vehicles Parked ( <i>Exhibit B</i> )	:	6 vehicles

**Walker projects that utilizing valet would result in a net gain of 6 parking spaces.**

## VEHICLE STACKERS

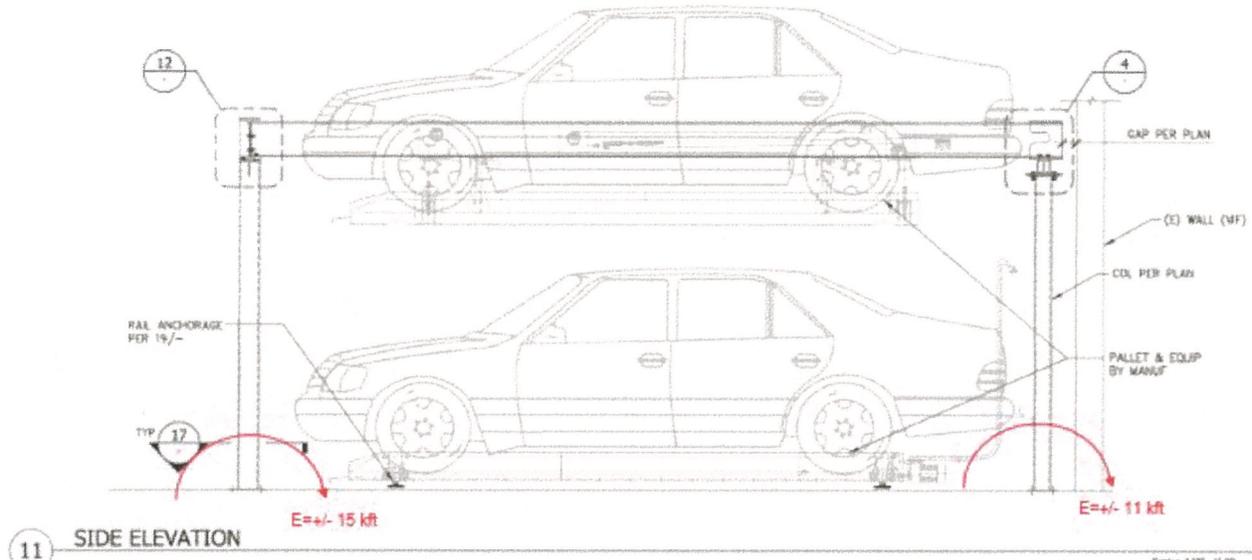
Vehicle stackers could be used to expand parking spaces in the Center's parking areas. The vehicle stackers would be installed over three parking spaces in the West lot (as shown in *Exhibit B*) and two parking spaces in the East Lot (as shown in *Exhibit E*). The stacker would look similar to what is shown in *Figure 2* and an example schematic is shown in *Figure 3*:

Figure 2: Example Vehicle Stacker



Source: Walker Parking Consultants, 2016.

Figure 3: Example Schematic for Vehicle Stacker



Source: Walker Parking Consultants, 2016.

Vehicle stackers are fairly streamlined and modern in look, and as their use will be fairly limited, the aesthetics should blend more easily into the parking area.

The vendor that supplies the vehicle stacker should provide training to the valets that would be operating the lifts as well as either keys, key cards, or access codes to use and control access to the stacker. The valets could operate the stackers in conjunction with their valet assist duties. Kennedy Wilson would work with the valets to create protocols for usage of the stackers.

**Walker projects that adding valet stackers would result in a net gain of 5 parking spaces.**

### RECOMMENDATION

Walker recommends implementing both valet parking and vehicle stackers to fully maximize the spaces in the Center.

CONCLUSION

Walker recommends that the decision on what vendor to utilize for the vehicle stacker and working with that vendor on needs to complete that project be started immediately as this process can be time consuming. For valet services, the decision should be made whether to insource or outsource the valet service to ensure sufficient time to hire and train valet staff and/or hire a valet management company.

The table below summarizes the number of projected net spaces gained by category:

Table 1: Projected Net Spaces Added

Type of Parking Implemented	Projected Net Spaces Added
Valet Assist	6 parking spaces
Vehicle Stackers	5 parking spaces
Total	11 parking spaces

Source: Walker Parking Consultants, 2016.

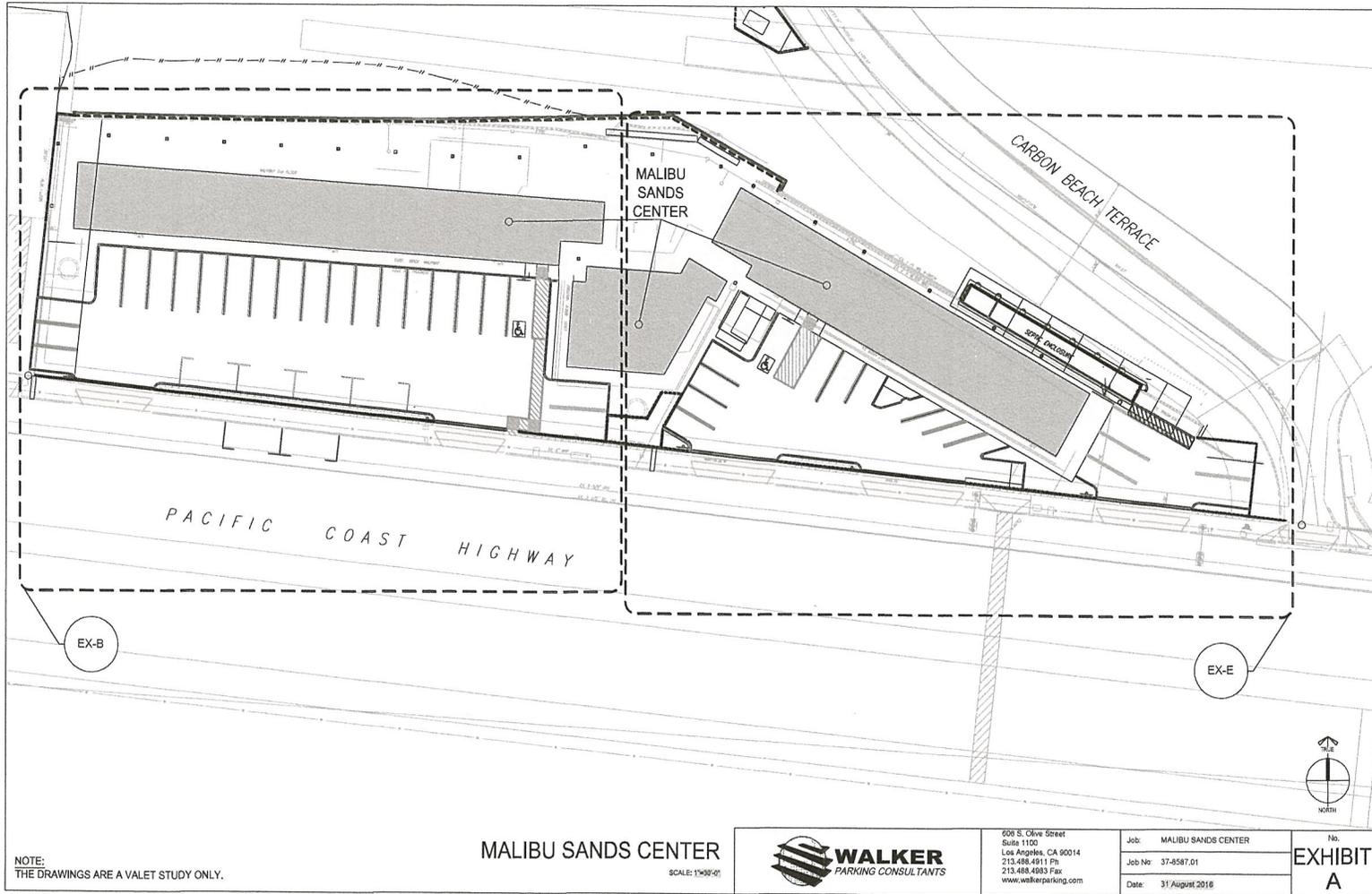
We appreciate this opportunity to provide professional services for Kennedy Wilson. Please let us know how else we can help with this exciting project.

**VALET PARKING PLAN**  
**MALIBU SANDS SHOPPING CENTER**



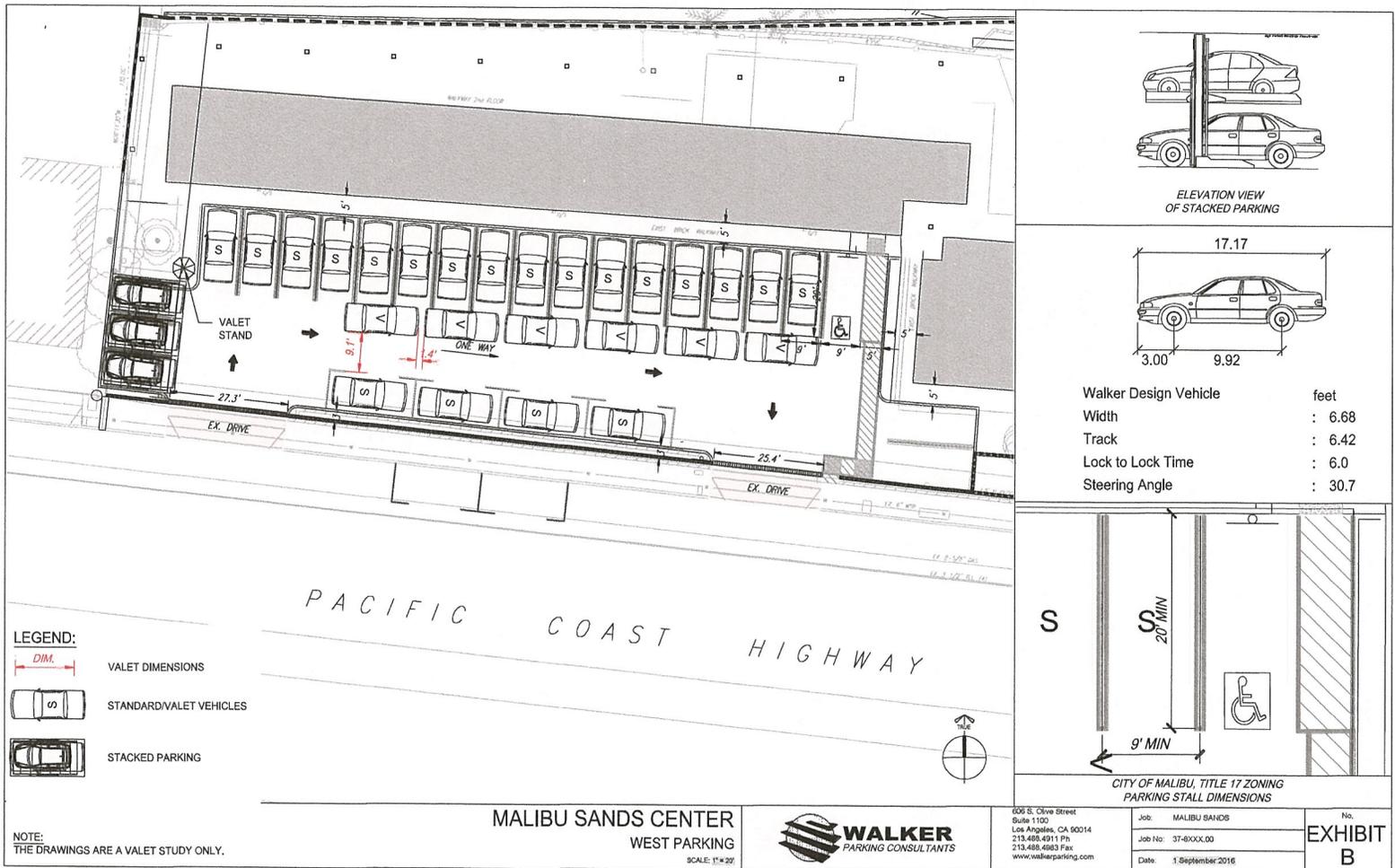
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Figure 4: Exhibit A: All Parking Areas at Center



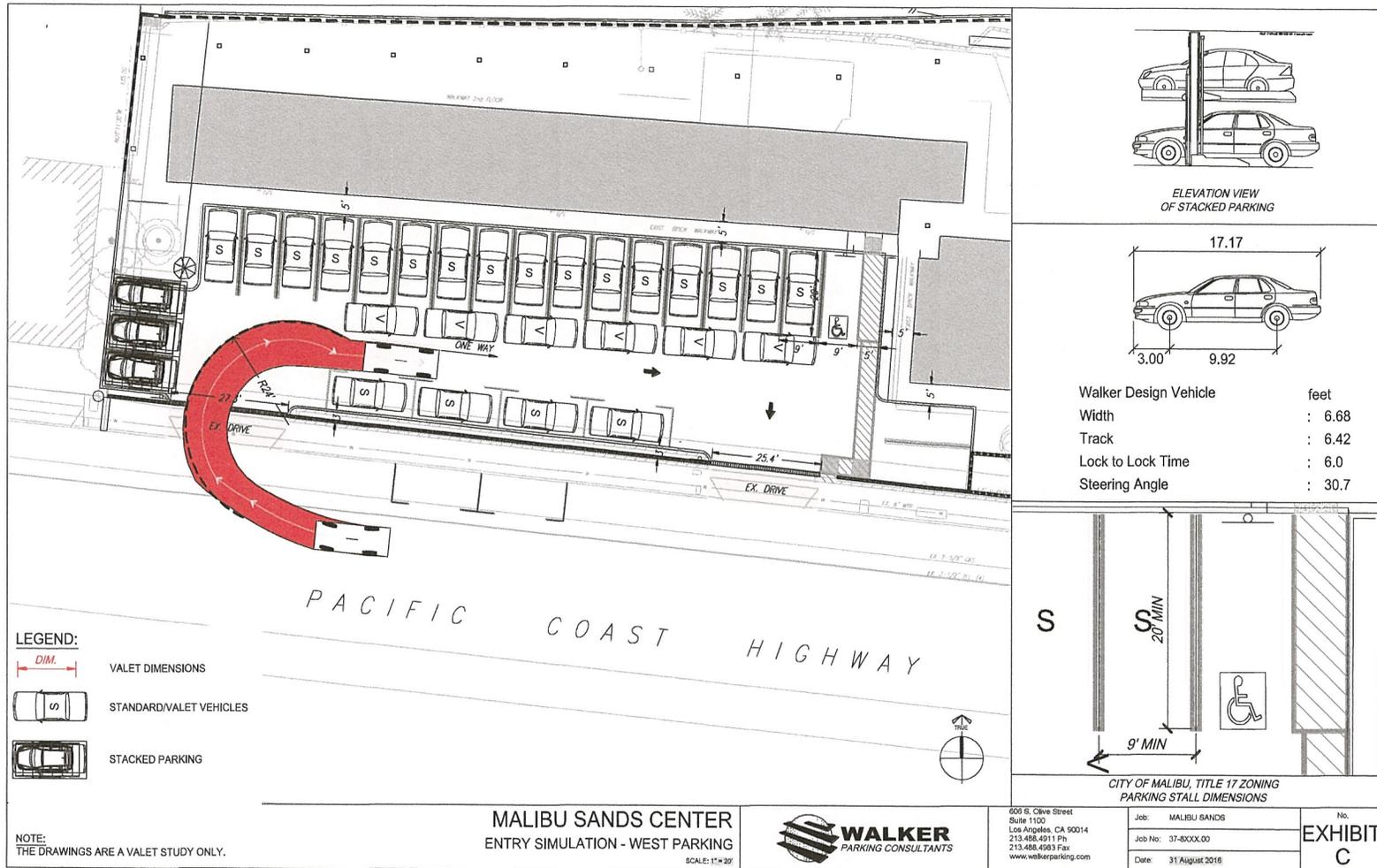
Source: Walker Parking Consultants, 2016

Figure 5: Exhibit B: West Parking Area – Valet Vehicles and Vehicle Stackers



Source: Walker Parking Consultants, 2016

Figure 6: Exhibit C: West Parking Area – Turning Radius



Source: Walker Parking Consultants, 2016

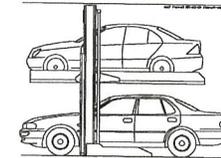
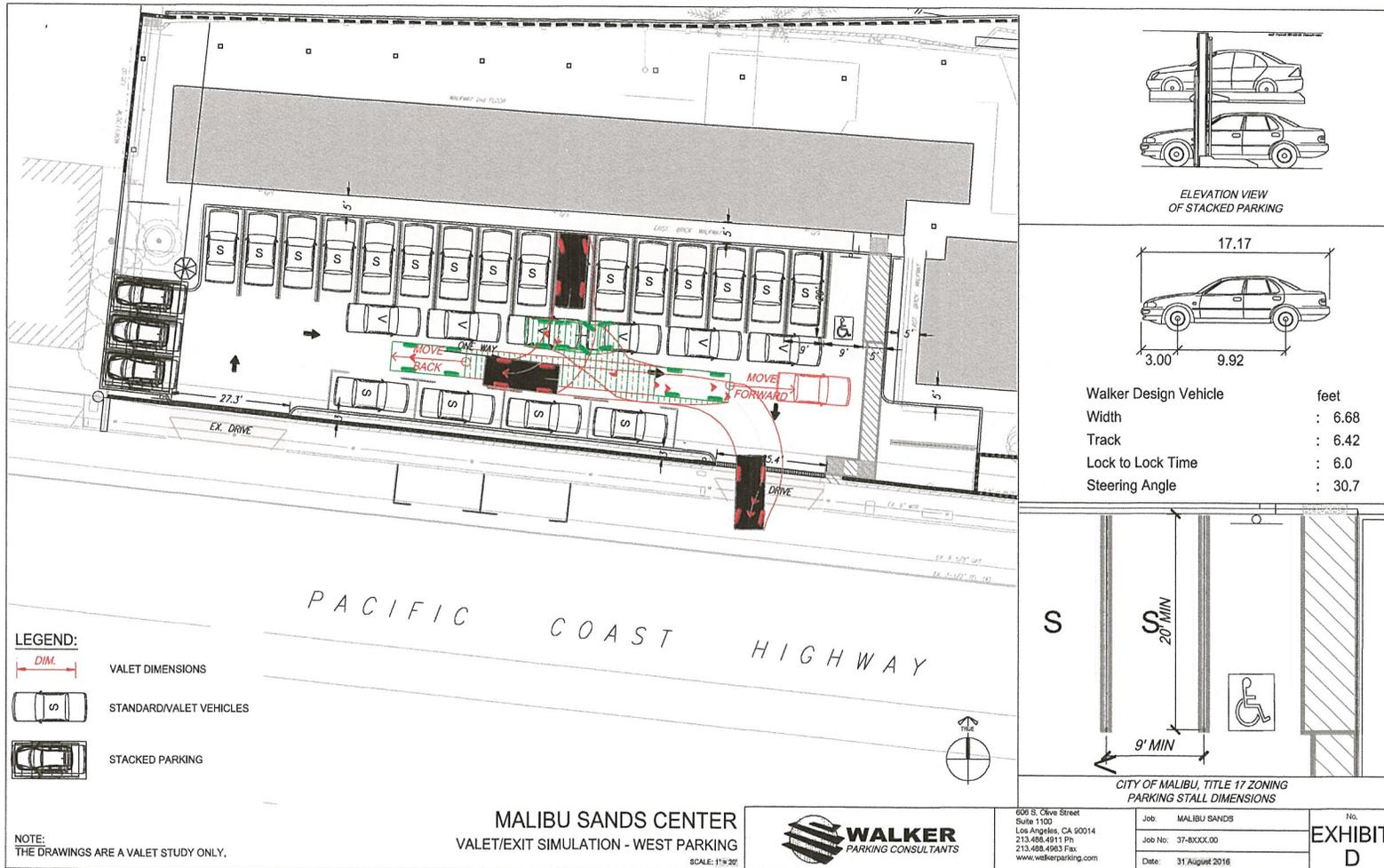
**VALET PARKING PLAN**

MALIBU SANDS SHOPPING CENTER

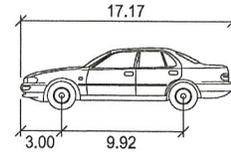


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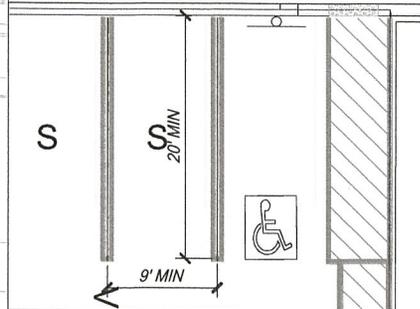
Figure 7: Exhibit D – West Parking Area – Movement of Valet Vehicle



ELEVATION VIEW OF STACKED PARKING



Walker Design Vehicle	feet
Width	: 6.68
Track	: 6.42
Lock to Lock Time	: 6.0
Steering Angle	: 30.7



CITY OF MALIBU, TITLE 17 ZONING PARKING STALL DIMENSIONS

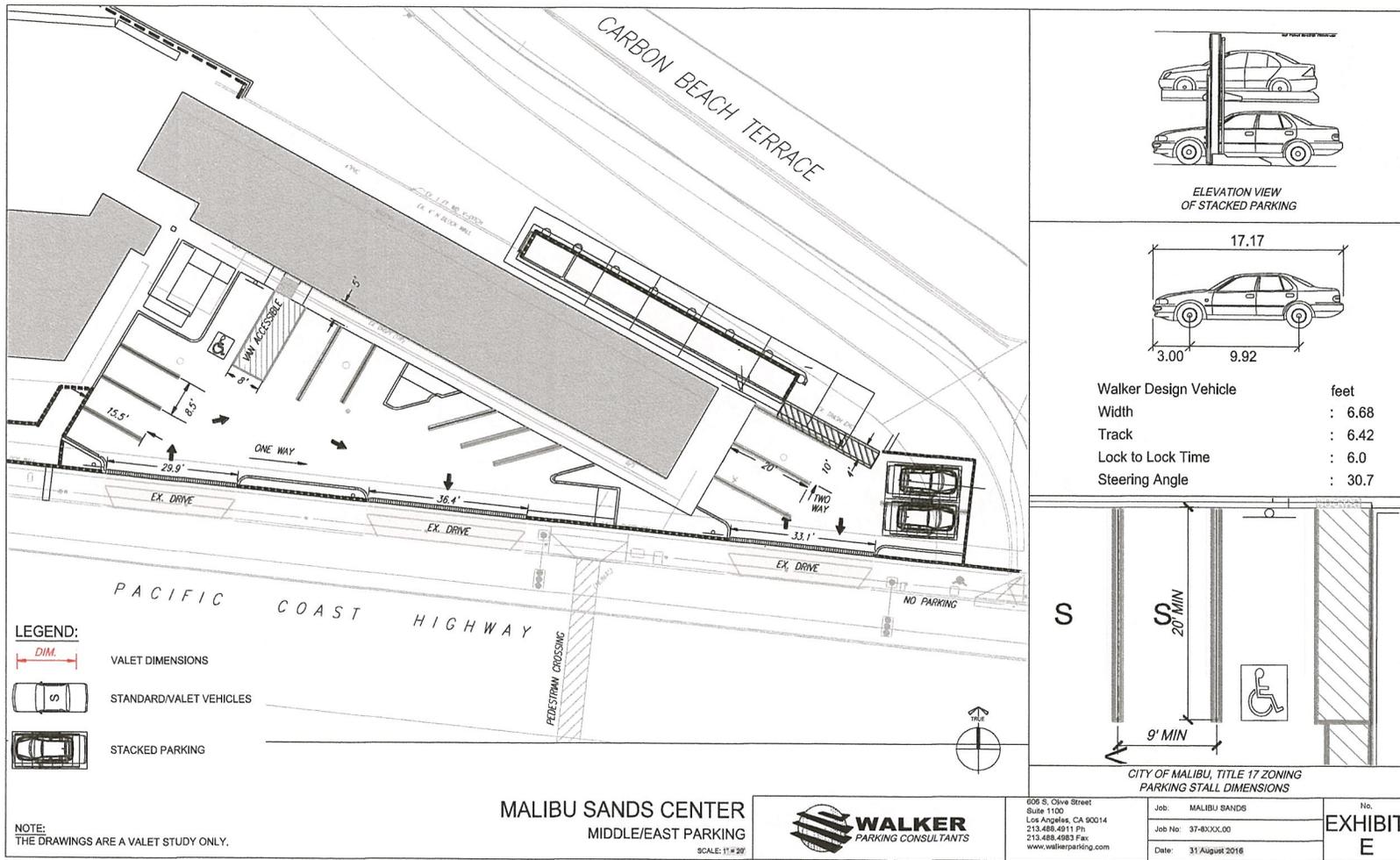
Source: Walker Parking Consultants, 2016

**VALET PARKING PLAN**  
MALIBU SANDS SHOPPING CENTER



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Figure 8: Exhibit E: Middle and East Parking Areas and Vehicle Stackers



Source: Walker Parking Consultants, 2016



# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861  
(310) 456-2489 FAX (310) 456-7650

## PUBLIC WORKS REVIEW REFERRAL SHEET

TO: Public Works Department  
FROM: City of Malibu Planning Department

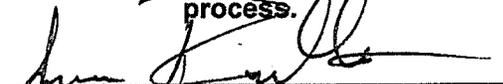
*5/17/16*  
~~DATE: 1/14/2016~~

PROJECT NUMBER: CUPA 16-001  
JOB ADDRESS: 22333 PACIFIC COAST HWY, 107  
APPLICANT / CONTACT: Claus Freyinger, Los Angeles Design Group  
APPLICANT ADDRESS: 251 Hapton Dr.  
Venice, CA 90291  
APPLICANT PHONE #: (310)866-0784  
APPLICANT FAX #: \_\_\_\_\_  
APPLICANT EMAIL: claus@theladg.com  
PROJECT DESCRIPTION: Blue Plate Restaurant- new liquor license and increase # of seats

TO: Malibu Planning Department and/or Applicant  
FROM: Public Works Department

The following items described on the attached memorandum shall be addressed and resubmitted.

The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the Planning process.

  
SIGNATURE

6/14/16  
DATE

*P.W REVIEW  
NOT REQUIRED*



# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861  
(310) 456-2489 FAX (310) 317-1950 www.malibucity.org

## ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator DATE: 3/10/16  
1/14/2016  
FROM: City of Malibu Planning Department

PROJECT NUMBER: CUPA 16-001  
JOB ADDRESS: 22333 PACIFIC COAST HWY, 107  
APPLICANT / CONTACT: Claus Freyinger, Los Angeles Design Group  
APPLICANT ADDRESS: 251 Hapton Dr.  
Venice, CA 90291  
APPLICANT PHONE #: (310)866-0784  
APPLICANT FAX #:  
APPLICANT EMAIL: claus@theladg.com  
PROJECT DESCRIPTION: Blue Plate Restaurant- new liquor license and  
increase in seats

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 Plumbing Code (MPC). 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 MPC. 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)

Melinda Talent  
Signature

3-11-16  
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 307.

**Conditions of Planning Conformance Review**

- 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 Environmental Health Department understands that a new advanced onsite wastewater treatment system (OWTS) is currently under construction. The Sewer/Septic Permit for the new OWTS shall be finalized prior to final approval of any tenant improvement projects at this site.

-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





Notice Continued...

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Commission at any time prior to the beginning of the public hearing.

**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 (fifteen days for tentative parcel maps) following the date of action 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/planning/forms](http://www.malibucity.org/planning/forms) or in person at City Hall, or by calling (310) 456-2489, extension 245.

**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](http://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.**

If you have questions regarding this notice, please contact **Jessica Colvard, Associate Planner**, at (310) 456-2489, extension 234.

**Date: September 22, 2016**

**By: Bonnie Blue, Planning Director**

# Notice of Public Hearing



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

## Planning Department

### City of Malibu

23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2489 Fax (310) 456-7650

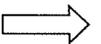
## NOTICE OF PUBLIC HEARING

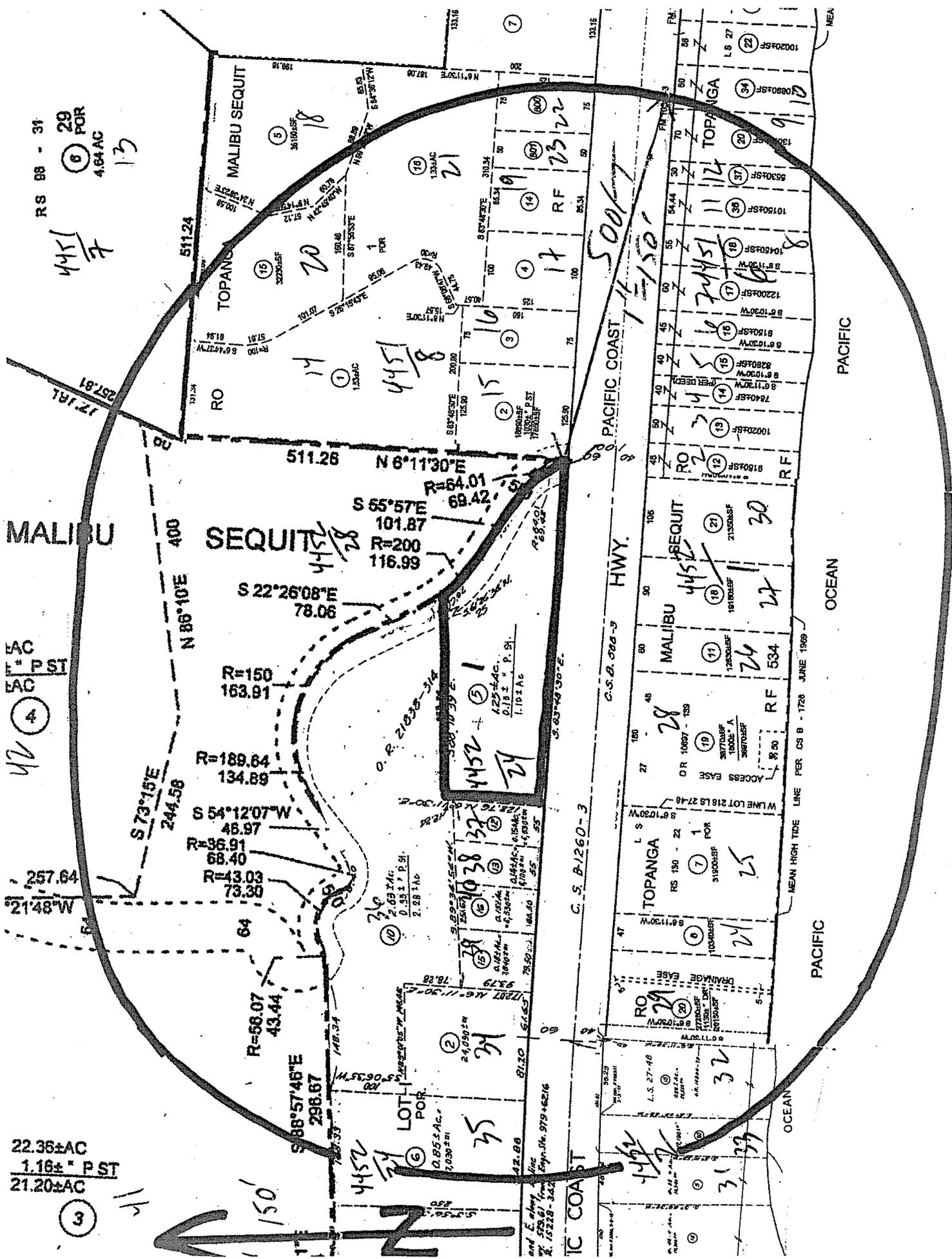
The Malibu Planning Commission will hold a public hearing on **MONDAY, October 17, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA**, for the project identified below.

**COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 16-007, CONDITIONAL USE PERMIT AMENDMENT NO. 16-001, AND VARIANCE NO. 16-020** - An application to amend Coastal Development Permit No. 13-072 for a remodel of the Sands Shopping Center and installation of a new alternative onsite wastewater treatment system and Conditional Use Permit No. 14-001 for restaurant use to increase the restaurant seating capacity, increase the service area, and add an alcohol license, including a variance to reduce the required parking spaces and allow use of a valet to maximize efficiency of parking

LOCATION:	22333 Pacific Coast Highway, within the appealable coastal zone 4452-024-005
APN:	4452-024-005
ZONING:	Community Commercial (CC)
APPLICANT:	Los Angeles Design Group
OWNER:	KW/LF-Malibu Sands LLC
TENANT:	Blue Plate Restaurant
APPLICATION FILED:	January 14, 2016
CASE PLANNER:	Jessica Colvard Associate Planner (310) 456-2489, ext. 234 <a href="mailto:jcolvard@malibucity.org">jcolvard@malibucity.org</a>

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director 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 pursuant to CEQA Guidelines Sections 15301 - Existing Facilities, 15303 - New Construction, and 15305 - Minor Alterations in Land Use Limitations. 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).





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 R=200  
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 S 22°26'08"E  
 78.06

R=150  
 163.91  
 R=189.64  
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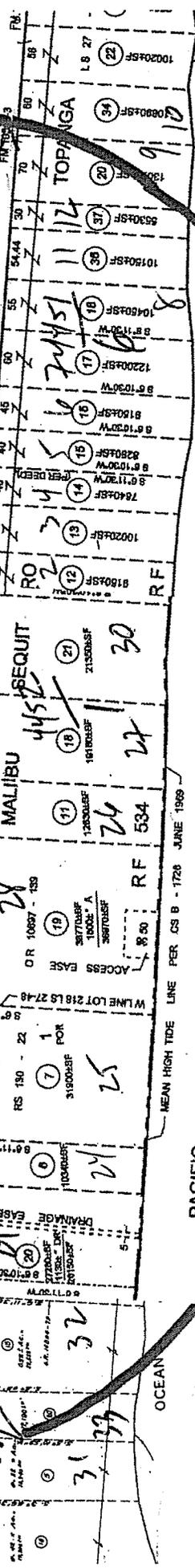
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C. S. B-283-3

PACIFIC COAST



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# Commission Agenda Report

Planning Commission  
Meeting  
10-17-16

**Item  
6.A.**

To: Chair Mazza and Members of the Planning Commission

Prepared by: Richard Mollica, Senior Planner

Approved by: Bonnie Blue, Planning Director *BB*

Date prepared: October 6, 2016 Meeting Date: October 16, 2016

Subject: Status of Conditional Use Permit No. 13-004 for the Operation of Restaurant Located at 26023 Pacific Coast Highway (Ranch at Solstice Canyon)

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**RECOMMENDED ACTION:** Receive and file.

**DISCUSSION:** At its March 21, 2016 meeting, the Planning Commission allowed the applicant an additional six months to make changes to the subject property and restaurant operation to be consistent with all of the operating conditions contained within Conditional Use Permit (CUP) No. 13-004. A revocation hearing date of October 2016 was proposed. At this time, a revocation hearing does not appear to be warranted.

The new property owner has been in close communication with staff since that time. Currently, the property owner is preparing a plan for the long term operation of the restaurant since it has changed ownership since the issuance of the existing CUP. Presently, the restaurant is open on a reservation basis to the public and guests of Calamigos Ranch and seats less customers than allowed by CUP No. 13-004 and the hours of operation fall within the approved hour's operation. Furthermore, the applicant is not providing food or drink for takeout.

Since the March 21, 2016 Planning Commission meeting, the applicant has removed signage and exterior lighting that was not approved and noted as violations of CUP No. 13-004. Additionally, landscaping that created a hedge along Pacific Coast Highway has also been removed. The property owner is in the process of obtaining permits to install flow meters and alarms in the seepage pits which service the offsite gas station to prevent effluent from daylighting in the future, even though the pits are the responsibility of the service station owner.

Staff expects to present the coastal development permit application for the new alternative onsite wastewater system as required by the 2013 compliance agreement and a Conditional Use Permit Amendment to address the future operation of the property at the December 5, 2016 Planning Commission meeting.