

RESOLUTION NO. 16-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING AN INCREASE IN FLOOR AREA RATIO FROM 0.15 TO 0.20 FOR THE SIGNIFICANT PUBLIC BENEFITS PROVIDED BY THE PROJECT CONDITIONALLY APPROVED BY COASTAL DEVELOPMENT PERMIT NO. 13-056, VARIANCE NOS. 13-045, 14-034, AND 14-035, CONDITIONAL USE PERMIT NO. 13-011, AND DEMOLITION PERMIT NO. 13-028 FOR DEMOLITION OF THE EXISTING 16,603 SQUARE FOOT BUILDING, 7,279 SQUARE FOOT BASEMENT, AND A PORTION OF THE EXISTING ARCADE, AND CONSTRUCTION OF A NEW TWO-STORY, 35 FOOT, 10 INCH HIGH, 25,310 SQUARE FOOT EDUCATIONAL FACILITY THAT INCLUDES A 5,640 SQUARE FOOT SHERIFF SUBSTATION, FOR A PROPOSED FLOOR AREA RATIO OF 0.20, RECONSTRUCTION OF THE PARKING AREA, HARDSCAPE AND LANDSCAPING, GRADING AND RETAINING WALLS, LIGHTING AND UTILITIES, AND RELOCATION AND REPLACEMENT OF THE EXISTING 70 FOOT HIGH COMMUNICATION TOWER WITH A 75 FOOT HIGH COMMUNICATION TOWER, ON THE WESTERLY 2.94 ACRE LEASE AREA WITHIN THE 9.18 ACRE LOS ANGELES COUNTY CIVIC CENTER PARCEL; INCLUDING A CONDITIONAL USE PERMIT FOR AN EDUCATIONAL FACILITY USE IN THE INSTITUTIONAL ZONING DISTRICT LOCATED AT 23525 CIVIC CENTER WAY

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

SECTION 1. Recitals.

A. On May 17, 2012, pursuant to the California Environmental Quality Act (CEQA), the Santa Monica College (SMC) Board of Trustees (Board), as the lead agency, initiated the SMC Malibu Campus Project Environmental Impact Report (EIR). On January 13, 2016, the Board certified the EIR, adopted a Statement of Overriding and a Mitigation Monitoring and Reporting Program, and approved the Santa Monica College Malibu Campus Project.

B. On November 14, 2013, the Santa Monica Community College District submitted an application for Coastal Development Permit No. 13-056 and associated entitlements for the SMC Malibu Campus Project. The application was routed for review to the City Biologist, City Geotechnical staff, City Public Works Department, the Los Angeles County Fire Department, and Waterworks District No. 29 for Local Coastal Program (LCP) and Malibu Municipal Code (MMC) conformance review.

C. On February 4, 2016, a Notice of Special Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property and to interested parties, regional, state and federal agencies.

D. On February 29, 2016, the Planning Commission held a duly noticed public hearing, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record, and adopted Planning Commission Resolution No. 16-30 adopting the SMC Malibu Campus Final EIR, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, Findings of Fact, and approving

the SMC Malibu Campus Project entitlements including Coastal Development Permit 13-056, Variance Nos. 13-045, 14-034, 14-035, Conditional Use Permit No. 13-011, and Demolition Permit No. 13-028 contingent upon the City Council approving an increased floor area ratio (FAR).

E. The subject property is located in the Institutional zoning district which accommodates public and quasi-public uses and facilities in the City.

F. The project provides public and quasi-public uses as follows:

1. A public community college facility which will provide educational services to the local community, consisting of:
 - i. A 19,670 square foot educational facility,
 - ii. 210 full time equivalent students and 12 faculty and staff members,
 - iii. 5 classrooms, lecture hall, student lounge and office, and
 - iv. Hours: 6 a.m. to 11 p.m. Monday through Friday.
2. A Los Angeles County Sheriff substation consisting of:
 - i. A 5,640 square foot sheriff substation, and
 - ii. Hours: 24-hours, 7 days a week.
3. An improved emergency communication tower;
4. An interpretive center to support Malibu's Legacy Park and/or other programs to highlight Malibu's unique coastal environment and cultural history; and
5. A multi-purpose room which will be available for public use for community meetings; and operational as necessary as an emergency operations center.

G. The gross floor area of all buildings on a given parcel shall be limited to a maximum FAR of 0.15, or 15 percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements). Additional gross floor area may be approved by the City Council, up to the maximum allowed for the parcel under the Malibu LCP Land Use Plan, where additional significant public benefits and amenities are provided as part of the project.

H. The Land Use Plan provides that the FAR may be increased to a maximum of 0.20 where additional significant public benefits and amenities are provided as part of the project.

I. On March 17, 2016, a Notice of City Council Public Hearing to consider the floor area ratio for SMC Malibu Campus project was published in a newspaper of general circulation within the City and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

SECTION 2. Environmental Review.

Acting as lead agency in accordance with CEQA and CEQA Guidelines Section 15051, on January 13, 2016, the Board, at a special meeting, certified the Final EIR and adopted a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the SMC Malibu Campus project (State Clearinghouse # 2012051052).

The Final EIR identified potential significant environmental impacts that would result from the project. The Board adopted mitigation measures to reduce the most potentially-significant impacts

to a less-than-significant level as part of a Mitigation Monitoring and Reporting Program, with the project EIR certification. The EIR identified significant and unavoidable impacts with respect to Noise (Construction). Pursuant to CEQA Section 21081(b) and CEQA Guidelines Section 15093, the Board weighed the benefits of the proposed project, including the specific economic, legal, social, and technological benefits, against the unavoidable construction noise impacts and determined that the identified benefits outweigh the unavoidable impacts. Accordingly, a SOC was adopted by the Board as part of the Final EIR. Pursuant to CEQA Guidelines Sections 15082 and 15096, the Board acting as lead agency for the proposed project consulted with responsible agencies throughout the preparation of the EIR, including the City.

The City has permitting jurisdiction under the Coastal Act for this project and the Board applied for Coastal Development Permit No. 13-056, Conditional Use Permit No. 13-011, and associated entitlements in accordance with the required rules. Accordingly, the City is a responsible agency under CEQA. The Planning Commission reviewed and considered the Final EIR, a Statement of Overriding Considerations, a Mitigation Monitoring and Reporting Program, and Findings of Fact prior to acting upon and conditionally approving the project. The Planning Commission also reviewed each of the mitigation measures and alternatives identified in the EIR prepared by the Board. A responsible agency has limited role under CEQA. A responsible agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to approve. The Planning Commission has exercised its independent judgment in evaluating the mitigation measures and imposed conditions that mitigate the effects of the project within the City's jurisdiction.

SECTION 3. City Council Findings.

Based upon substantial evidence in the record, including all written and oral testimony, the City Council approves an increase in FAR to 0.20 for the SMC Malibu Campus project approved by Coastal Development Permit No. 13-056, Variance Nos. 13-045, 14-034, and 14-035, Conditional Use Permit No. 13-011, and Demolition Permit No. 13-028 in the Institutional zoning district located at 23525 Civic Center Way based on the following findings that additional significant public benefits and amenities are provided as part of the project:

1. The public community college facility will meet the educational needs for emeritus and community college classes in the Malibu community consistent with the purposes of the land use designation and the Santa Monica College Facilities Master Plan for Education (2004 Update) goals and policies with respect to acquiring, planning, developing, and maintaining facilities and equipment to provide the best possible educational environment and promote the use of sustainable resources.

2. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan and the LCP. The proposed college is located in an area designated by the General Plan Land Use Map, the Zoning Map and Land Use Map as Institutional. As an educational facility and Sheriff Substation, the project will complement the other public and quasi-public uses existing on the site and in the vicinity, including the newly renovated public library, County government offices, Legacy Park and City Hall. The proposed college facility will revitalize the integrity and character of the Institutional zoning district by replacing a longstanding vacant and abandoned building with a vibrant college that will reactivate the underutilized portions

of the Civic Center.

3. The SMC main campus is located in the City of Santa Monica, approximately 15 miles away from its proposed location in the Malibu Civic Center and can involve travel times of an hour in typical traffic conditions. Many residents that might benefit from classes offered at SMC are discouraged from taking advantage of the opportunity due to the distance and travel time. There are currently no such advanced education programs in Malibu. Pepperdine University is a private university that is adjacent to the City, but it does not offer the same types of affordable educational and continuing educational programs as SMC.

4. SMC offers many types of educational programs, including those that lead to associate degrees and certificates, and offers many community benefits, including affordability, convenience accessibility, and availability to all types of students. The community is also provided with a community college that is regarded as among the best community colleges in the state, with a very high transfer rate to four-year colleges. Communities are benefitted by the presence of such programs because of the open-door policy at community colleges, which gives students who may not qualify for, or commit to the schedule of full-time, four-year universities an opportunity to continue their education in a small and diverse learning environment. High school students can take college preparatory courses, and residents can find instruction in the arts or acquire more skills without the expense of obtaining another degree.

5. The Los Angeles County Sheriff Substation will provide enhanced local services, by providing local support staffing for police services 24-hours, 7 days a week, and improving efficiency of operation by locating facilities locally within Malibu, such as administrative staff, holding cells and public assistance, that otherwise are located in the Lost Hills station, approximately 17 miles away from its proposed location in the Malibu Civic Center.

6. An improved emergency communication tower is an important component to the Sheriff's Substation and critical to the City of Malibu for providing public safety communication radio coverage for the County's first responders. It has been designed to support the addition of new safety and communication equipment throughout the monopole's lifetime, which prolongs the tower's operational timeframe and prevents overcrowding of equipment on a single pole.

7. The project provides opportunities for an interpretive center to support Legacy Park and/or other programs to highlight Malibu's unique coastal environment and cultural history that do not currently exist in the Civic Center. Portions of the Civic Center proximate to the project contain important Chumash cultural sites, as well as other important community features, such as the Santa Monica Mountains, Malibu Creek State Park and Surfrider Beach.

8. The project's multi-purpose room will be available for public use for community meetings. The multi-purpose room will benefit the community during emergencies because it will convert to an emergency operations center that can be staffed by emergency service providers as a hub for coordination of emergency response.

SECTION 4. City Council Action.

Based on the record as a whole, the City Council does hereby approve the increase in FAR to 0.20,

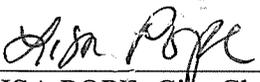
for the SMC Malibu Campus project adopted in Planning Commission Resolution No. 16-30 which approved Coastal Development Permit No. 13-056, Variance Nos. 13-045, 14-034, and 14-035, Conditional Use Permit No. 13-011, and Demolition Permit No. 13-028.

SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 11th day of April 2016.


LAURA ROSENTHAL, Mayor

ATTEST:


LISA POPE, City Clerk
(seal)

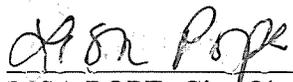
APPROVED AS TO FORM:


CHRISTI HUGIN, City Attorney

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-13 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 11th day of April 2016 by the following vote:

AYES:	3	Councilmembers:	Sibert, La Monte, Rosenthal
NOES:	1	Councilmember:	House
ABSTAIN:	1	Councilmember:	Peak
ABSENT:	0		


LISA POPE, City Clerk
(seal)