

RESOLUTION NO. 23-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU AMENDING THE MALIBU MIDDLE AND HIGH SCHOOL CAMPUS SPECIFIC PLAN, LOCAL COASTAL PROGRAM AMENDMENT NO. 21-002 TO AMEND THE LOCAL COASTAL PROGRAM LAND USE PLAN AND GENERAL PLAN MAP AMENDMENT NO. 21-002, AS ADOPTED BY RESOLUTION NO. 22-33 AND PURSUANT TO THE CONDITIONAL CERTIFICATION ACTION TAKEN BY THE CALIFORNIA COASTAL COMMISSION ON SEPTEMBER 8, 2023 IN ORDER TO OBTAIN FINAL CERTIFICATION OF THE SUBMITTED LOCAL COASTAL PROGRAM AMENDMENT APPLICATION FOR THE MALIBU MIDDLE AND HIGH SCHOOL CAMPUS SPECIFIC PLAN LOCATED AT 30215 MORNING VIEW DRIVE (SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT); AND FINDING THE ACTION BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONSISTENT WITH THE EIR FOR THE PROJECT WITH NO FURTHER ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIRED

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Findings.

A. On September 27, 2022, the City Council adopted Resolution No. 22-33 approving the Malibu Middle and High School (MMHS) Campus Specific Plan, Local Coastal Program Amendment (LCPA) No. 21-002, and General Plan Map Amendment (GPMA) No. 21-002 to: A) to amend the Local Coastal Program (LCP) Land Use Plan (LUP) to add a new Environmentally Sensitive Habitat Area (ESHA) Policy 3.24; and B) to amend the City of Malibu General Plan Land Use Map to review the land use designation for three parcels identified as Assessor Parcel Numbers (APNs) 4469-017-900, 4469-018-903, and 4469-018-904 located at 30215 Morning View Drive (Santa Monica-Malibu Unified School District [SMMUSD]).

B. On September 8, 2023, the California Coastal Commission (CCC) took action to conditionally certify the City's LCPA for Resolution No. 22-33 with amendments (CCC File Reference LCPA No. LCP-4-MAL-22-0043-1).

C. On September 14, 2023, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the City Council would hold a public hearing on October 9, 2023 to consider the proposed Resolution amending the MMHS Campus Specific Plan, LCPA No. 21-002 (Exhibit B of Resolution No. 22-33), and GPMA No. 21-002 (Exhibit C of Resolution No. 22-33) as adopted by Resolution No. 22-33 on September 27, 2022, pursuant to the conditional certification action taken by the CCC on September 8, 2023 in order to obtain final certification of LCPA No. 21-002.

D. On October 9, 2023, the City Council held a duly noticed public hearing on the proposed Resolution amending the MMHS Campus Specific Plan, LCPA No. 21-002 (Exhibit B

of Resolution No. 22-33, and GPMA No. 21-002 (Exhibit C of Resolution No. 22-33) as adopted by Resolution No. 22-33 on September 27, 2022, reviewed and considered written reports, public testimony, and related information.

SECTION 2. Environmental Review.

The City Council has analyzed the amended LCPA and corollary amendments to the MMHS Campus Specific Plan and GPMA herein proposed by the California Coastal Commission and makes the following findings. Pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCPA. This action is for an amendment to the LCP and corollary amendments to the MMHS Campus Specific Plan and GPMA, wherein the updated LCPA must be certified by the CCC before it takes effect. On September 8, 2023, the CCC took action to conditionally certify the City's LCPA, with amendments to the LUP as previously adopted by Resolution No. 22-33 (CCC File Reference LCPA No. LCP-4-MAL-22-0043-1). The City Council has analyzed the amendments and finds that the activities and approvals are necessary by the City for the adoption of the LCPA in order to obtain final certification of the LCPA by the CCC.

Further, the proposed City Council actions, including without limitation, direction to prepare an amended ordinance was adequately covered in a Final Environmental Impact Report (FEIR) adopted by the Santa Monica-Malibu School District (SMMUSD or District) Board of Education (Board) acting as lead agency on January 26, 2022 (State Clearinghouse No. 202008350). Previously, on September 19, 2019, the City accepted the District as the lead agency pursuant to CEQA Guidelines §15051 for the project and the City confirmed its role as a responsible agency. The proposed City Council actions are not a separate "project" for CEQA purposes but rather a subsequent discretionary action related to a previously approved project (CEQA Guidelines § 15378(c)). Additionally, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the review of the entire record, including without limitation, the Final EIR, the City Council finds that the proposed actions do not require further environmental review as: 1) no substantial changes are proposed to the project and no substantial changes have occurred that require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in severity of previously identified significant effects; and 2) no new information of substantial importance has come to light that (a) shows the project will have one or more significant effects not discussed in the FEIR, (b) identifies significant impacts would not be more severe than those analyzed in the FEIR, (c) shows that mitigation measures or alternatives are now feasible that were identified as infeasible and those mitigation measures or alternatives would reduce significant impacts, and (d) no changes to mitigation measures or alternatives have been identified or are required. Pursuant to CEQA Guidelines §15162(b), the City Council finds and recommends that no further analysis or environmental documentation is necessary. Accordingly, the proposed City Council actions are merely a step-in furtherance of the original project for which environmental review was performed and no supplemental or subsequent CEQA has been triggered, and no further environmental review is required.

SECTION 3. Acknowledgement of CCC's Resolution of Certification.

The City of Malibu hereby acknowledges receipt of the CCC's Resolution of Certification of City of Malibu LCPA No. LCP-4-MAL-22-0043-1 (MMHS Campus Specific Plan Overlay District), including any suggested modifications therein.

SECTION 4. Local Coastal Program Amendments.

Pursuant to LCP Local Implementation Plan (LIP) Section 19.5(B), the City Council adopts the following amendments to the LUP pursuant to the conditional certification action taken by the CCC on September 8, 2023 in order to obtain final certification of LCPA No. 21-002. Specifically, the amendments modify text in the LUP as adopted by Exhibit B of Resolution No. 22-33 for LCPA No. 21-002 as follows:

A. That LUP Policy 3.23 be amended as recommended by the CCC, which was not originally included in Exhibit B of Resolution No. 22-33:

3.23 Development adjacent to ESHAs shall minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation buffer areas shall be provided around ESHAs to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. All buffers shall be a minimum of 100 feet in width, except for the cases addressed in Policy 3.27.

B. That the revised language in LUP Policy 3.24, adopted by Exhibit B of Resolution No. 22-33, be deleted and revert to certified language as shown below, as recommended by the CCC:

3.24 New development adjacent to parklands, where the purpose of the park is to protect the natural environment and ESHA, shall be sited and designed to minimize impacts to habitat and recreational opportunities, to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width.

C. That LUP Policy 3.25 be amended as recommended by the CCC, which was not originally included in Exhibit B of Resolution No. 22-33:

3.25 New development, including, but not limited to, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted in required ESHA or park buffer areas, except for those cases addressed in Policy 3.27. Habitat restoration and invasive plant eradication may be permitted within required buffer areas if designed to protect and enhance habitat values.

D. That LUP Policy 3.27 be amended as recommended by the CCC, which was not originally included in Exhibit B of Resolution No. 22-33:

3.27

- a. Buffers shall be provided from coastal sage scrub and chaparral ESHA that are of sufficient width to ensure that no required fuel modification (Zones A, B, or C, if required) will extend into the ESHA and that no structures will be within 100 feet of the outer edge of the plants that comprise the habitat.
- b. The following types of new development and redevelopment adjacent to riparian ESHA along the western edge of the Malibu Middle and High School Campus shall provide an ESHA buffer that is the maximum feasible width, but no less than 50 feet, and where impacts to riparian ESHA are fully mitigated in the form of riparian and upland habitat restoration so it does not significantly disrupt the ESHA habitat values:
 1. ESHA and creek-related educational uses and permeable viewing pad areas;
 2. Roadways (and associated retaining walls), road right-of-way, utilities, storm drains, and permeable pavement parking lots;
 3. Fuel modification required by the California Department of Forestry and Fire Protection;
 4. Exterior lighting solely for accessibility and safety purposes; and
 5. Fences necessary for public safety, restoration, and protection of habitat.

E. That the revised language in LUP Policy 6.7 be deleted and revert to certified language as shown below, as recommended by the CCC (the language was not originally included in Exhibit B of Resolution No. 22-33 but was inadvertently included in Ordinance No. 501 adopted by the City Council on September 27, 2022 for LCPA No. 21-002):

The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.

SECTION 5. Local Coastal Program Amendment Findings.

A. The amendments to the LCP meet the requirements of and are in conformance with the goals, objectives, and purposes of the LCP pursuant to the conditional certification by the CCC on September 8, 2023. Development standards specific to the MMHS Plan Overlay District ensure that the development of the school campus will allow for the modernization of the school while maintaining standards to require that uses within the City's jurisdiction of the Coastal Zone advance the overarching goals of protecting coastal resources.

B. As a part of the LUP, the MMHS Campus Specific Plan Overlay District ensures that future development projects and land uses within the Specific Plan conform to applicable LCP policies, goals, and provisions while taking into consideration the protection and enhancement of environmental resources and consistency with relevant LUP ESHA protection policies.

SECTION 6. Specific Plan Amendment.

The City Council adopts the following corollary amendments to the MMHS Campus Specific Plan pursuant to the conditional certification action taken by the CCC on September 8, 2023 in order to obtain final certification of LCPA No. 21-002. Specifically, the amendments modify text in the MMHS Campus Specific Plan as adopted by Exhibit A of Resolution No. 22-33 as follows:

A. That Subsection 5.2(A)(1-3) (Building Height Measurements) of Section 5.0 (Development Standards) be replaced in its entirety as follows, which amends the proposed regulations included in Exhibit A of Resolution No. 22-33, corollary to the recommendations by the CCC for LCPA No. 21-002:

1. Height. Except as allowed in this section structures shall not exceed eighteen (18) feet above finished or natural grade, whichever results in lower building height, except for chimneys, rooftop antenna, and light standards.
 - a. Building C: High School Building shall not exceed a maximum height of thirty-six (36) feet finished grade, except for chimneys, rooftop antenna, and light standards that shall not exceed forty-one (41) feet above finished grade.
 - b. Building D: Middle School Gym/Multi-Purpose Room and Student Activities and Food Service structures shall not exceed a maximum height of thirty-six (36) feet finished grade, except for chimneys, rooftop antenna, and light standards that shall not exceed forty (40) feet above finished grade.
 - c. Building H: Theater/Performing Arts shall not exceed a maximum height of forty-five (45) feet above finished grade.
 - d. Building J: High School Gym/Physical Education shall not exceed a maximum height of forty-five (45) feet above finished grade.
 - e. Building L: Aquatics Center/Field House shall not exceed a maximum height of twenty-eight (28) feet above finished grade, inclusive of chimneys, rooftop antenna, and light standards.
 - f. For all other buildings, roof-mounted mechanical equipment shall be integrated into the roof design, screened, and may project no more than two feet higher than the structure roof height (screens included).
 - g. In no event shall the maximum number of stories above grade be greater than two.

2. Yards/Setbacks.

- a. Front yard setbacks shall be ten (10) feet from the street easement.
- b. Side yard setbacks shall be five feet. When adjacent to a residentially-zoned parcel(s) along a side yard, the setback shall be increased to ten (10) percent of the lot width or ten (10) feet, whichever is greater
- c. Rear yard setbacks shall be five feet; however, when adjacent to a residentially-zoned parcel(s) along the rear yard, the setback shall be increased to fifteen (15) percent of the lot depth or fifteen (15) feet, whichever is greater.

3. Site-Specific Development Criteria. All proposed construction shall comply with the following site-specific development standards:

- a. **Structure Size.** The gross floor area of all buildings on a given parcel shall be limited to a maximum Floor Area Ratio (FAR) of 0.15, or fifteen (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 Land Use Plan, where additional significant public benefits and amenities are provided as part of the project.
- b. **Landscaping and Site Permeability.** Twenty-five (25) percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. The required five-foot landscape buffer around the perimeter of parking areas pursuant to Section 3.14.5 (E)(1) of the Malibu LIP shall count toward the twenty-five (25) percent requirement. An additional five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces.
- c. All parking areas within the 100-foot ESHA buffer area shall be paved with permeable pavement, to allow stormwater runoff to infiltrate into the soil below. Suspended paving systems shall be constructed below the permeable paving to treat and slow stormwater runoff before it reaches the ESHA. The system shall be designed to provide treatment and storage for stormwater but also promote healthy tree growth within parking areas.

No changes to Subsection 5.2(A)(4) Grading.

B. That Subsection 5.3 (Wayfinding and Informational Signage) of Section 5.0 (Development Standards) be amended to include the following provision, which amends the proposed regulations included in Exhibit A of Resolution No. 22-33, corollary to the recommendations by the CCC for LCPA No. 21-002:

Marquee sign lighting shall be dimmable in the evenings when not required for student/community communication.

C. That Subsection 5.4 (Landscaping) of Section 5.0 (Development Standards) be amended to include the following provisions, which amends the proposed regulations included in Exhibit A of Resolution No. 22-33, corollary to the recommendations by the CCC for LCPA No. 21-002:

1. Permitted Uses in ESHA Buffer

The following types of new development and redevelopment, as provided in the MMHS Campus Specific Plan, shall provide an ESHA buffer that is the maximum feasible width extent but no less than 50 feet and where fully mitigated in conjunction with the ESHA Habitat Restoration Plan requirements of subsection 2 below, so that it does not significantly disrupt the habitat values of ESHA:

- i. ESHA and creek-related educational uses and permeable pads for viewing areas;
- ii. Roadways (and associated retaining walls), road rights-of-way, utilities, storm drains, and permeable parking lots in a manner that involves no increase in development footprint for the portion within the habitat buffer area. If the improvement involves relocation, the new site shall be located no closer to ESHAs, wetlands, or creeks than the existing site and shall minimize encroachment into the habitat buffer to the maximum extent feasible;
- iii. Fuel modification required by the California Department of Forestry and Fire Protection;
- iv. Exterior lighting solely for accessibility and safety purposes; and
- v. Fences necessary for public safety, restoration, and protection of habitat.

2. ESHA Restoration Plan

i. Habitat Restoration Plan

To allow for clustering of new development within the existing, developed portions of the MMHS Campus, limited development may have a reduced buffer of less than 100 feet from the creek located on the western side of campus, as specifically allowed pursuant to subsection 1 above. Habitat buffers less than 100 feet place these habitat areas at risk of significant degradation caused by the adjacent development. The applicant shall mitigate the adverse impacts of reduced buffers by providing mitigation for all ESHA that will not have a 100-foot buffer from development.

As a condition of approval of and prior to issuance of a coastal development permit for new development requiring a less than 100-foot ESHA buffer within the overlay district, the applicant shall be required to submit for review and approval by the City Biologist, a final revised Habitat Restoration Plan that shall substantially conform to the “Habitat Restoration Plan for MMHS Campus, Malibu” (PSOMAS. 2021) and “ESHA Restoration Maps”, and incorporates the following phased restoration work:

(1) During Phase 1 demolition of hardscape within the 100-foot buffer of the downstream area, the habitat restoration plan shall require weed abatement along the upstream, middle, and downstream riparian and upland habitat, broadcast of native seed in the downstream riparian and upland habitat as well as upstream upland habitat, and planting of native stock in the downstream riparian and upland habitat. Bank stability improvements and erosion control would occur in the upstream, middle, and downstream portions of the ESHA during Phase 1, which include the proposed pedestrian trail and new roadways.

(2) During Phase 4 demolition of developed hardscape areas within the 100-foot buffer of the upstream and middle stream area, the habitat restoration plan shall require restoration of the upland area of the upstream and middle stream portion of the habitat. Upon completion of Phase 4, the pedestrian trail would be completed and connected to existing trails on the campus.

ii. Habitat Restoration Plan Implementation

As a condition of approval for Phase 1 and Phase 4 development requiring a less than 100-foot ESHA buffer within the overlay district, the applicant shall be required to implement the final approved Habitat Restoration Plan required pursuant to subsection i above. Restoration work under the final Habitat Restoration Plan shall be carried out prior to or concurrently with construction of the development project. Maintenance and monitoring of the restoration shall commence immediately after installation and continue for five years in each portion of the riparian and upland habitat areas (downstream, middle, and upstream). In any case, the implementation portion of the ESHA restoration project described above, shall be complete prior to the issuance of certificates of occupancy for any structures approved in the coastal development permit. Any proposed changes to the approved Habitat Restoration Plan must be approved by the City Biologist and reported to the Executive Director of the Coastal Commission.

D. That Subsection 7.4 (Lighting) of Section 7.0 (Infrastructure) be amended to include the following provisions, which amends the proposed regulations included in Exhibit A of Resolution No. 22-33, corollary to the recommendations by the CCC for LCPA No. 21-002:

1. All lighting at the MMHS campus, including pool lighting, shall be minimized, restricted to low intensity features, directed downward and away from ESHA, and shielded using the best available visor technology and pole height and design that minimizes light spill, sky glow, and glare impacts to public views and wildlife to the maximum extent feasible.
2. Sports field lighting shall be limited to the main sports field at Malibu High School. All sport field lighting shall adhere to the standards of Malibu Local Coastal Program Local Implementation Plan Sections 4.6.2 and 6.5.G.
3. Pool lighting shall be limited to only the extent necessary to achieve safety illumination regulations per the Illuminating Engineering Society of North America (IESNA) for a Class II facility.

4. Pool lighting shall be turned off no later than ½ hour after aquatic use and safety perimeter lighting shall be turned off with all other automatic campus lighting.
5. All outdoor lighting shall be extinguished by 11:00 p.m. or close of campus use, whichever is later, except for security lighting activated by motion sensor which extinguishes ten (10) minutes after activation and lighting at the building entrances and driveway egress points.

SECTION 7. Specific Plan Findings.

The amended MMHS Specific Plan will effectuate amendments made to LCPA No. 21-002 for the MMHS Campus Specific Plan as adopted by Resolution No. 22-33 on September 27, 2022 and conditionally certified by the CCC on September 8, 2023. The amendments to the MMHS Specific Plan will allow the text of the Specific Plan to be amended consistent with amended LCPA No. 21-002 and is only corollary of that action. Based on evidence in the whole record, the City Council hereby finds that the proposed amendments to the MMHS Specific Plan continue to meet the requirements of and are in compliance with the General Plan policies, objectives, and implementation measures as adopted in Section 3 of Resolution No. 22-33.

SECTION 8. General Plan Map Amendment.

The City Council adopts the following corollary amendment to GPMA No. 21-002 pursuant to the conditional certification action taken by the CCC on September 8, 2023 in order to obtain final certification of LCPA No. 21-002. Specifically, the amendment modifies the General Plan Land Use Map as adopted by Exhibit C of Resolution No. 22-33 for GPMA No. 21-002 as follows:

A. That the modifications to the General Plan Land Use Map adopted by Exhibit C of Resolution No. 22-33 be removed in its entirety, as shown in Exhibit A of this resolution, as follows: 1) the crosshatching added to Assessor Parcel Numbers (APN) 4469-017-900, 4469-018-903, and 4469-018-90 located at 30215 Morning View Drive be deleted; and 2) the underlying land use designation of “Institutional” on APNs 4469-017-900, 4469-018-903, and 4469-018-904 be restored.

B. That a new overlay district map titled “Malibu Middle and High School (MMHS) Campus Specific Plan Overlay District” be added to the General Plan Land Use Map, as shown in Exhibit B of this resolution, that depicts the outline of the area subject to the overlay, including APNs 4469-017-900, 4469-018-903, and 4469-018-904 and the corresponding addresses and APNs to differentiate which parcels are subject to the MMHS Campus Specific Plan Overlay District.

SECTION 9. General Plan Map Amendment Findings.

The GPMA will effectuate previous amendments made to LCPA No. 21-002 for the MMHS Campus Specific Plan as adopted by Resolution No. 22-33 on September 27, 2022 and conditionally certified by the CCC on September 8, 2023. The GPMA will allow the land use map of the General Plan to be amended consistent with amended LCPA No. 21-002 and is only

corollary of that action. The City Council finds that the GPMA is necessary for the proposed LCPA and will only be approved if the LCPA is approved, and on the condition that the GPMA only take effect if the LCPA is certified by the CCC.

SECTION 10. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit LCPA to the California Coastal Commission per Title 14, California Code of Regulations Section 13544(c).

SECTION 11. Effective Date.

The LCP amendment, and GPMA approved in this Resolution shall become effective only upon certification by the California Coastal Commission of this amendment to the LCP.

SECTION 12. Certification.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of October, 2023.



STEVE UHRING, Mayor

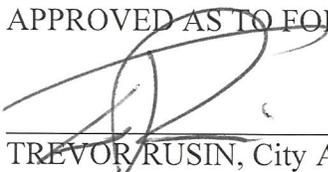
ATTEST:



KELSEY PETTIJOHN, City Clerk
(seal)

Date: 10/23/23

APPROVED AS TO FORM:



TREVOR RUSIN, City Attorney

Exhibit A: General Plan Land Use Map

Exhibit B: General Plan MMHS Campus Specific Plan Overlay District Map (GPMA No. 21-002)

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 23-48 was passed and adopted by the City Council of the City of Malibu at the Regular meeting thereof held on the 9th day of October 2023 by the following vote:

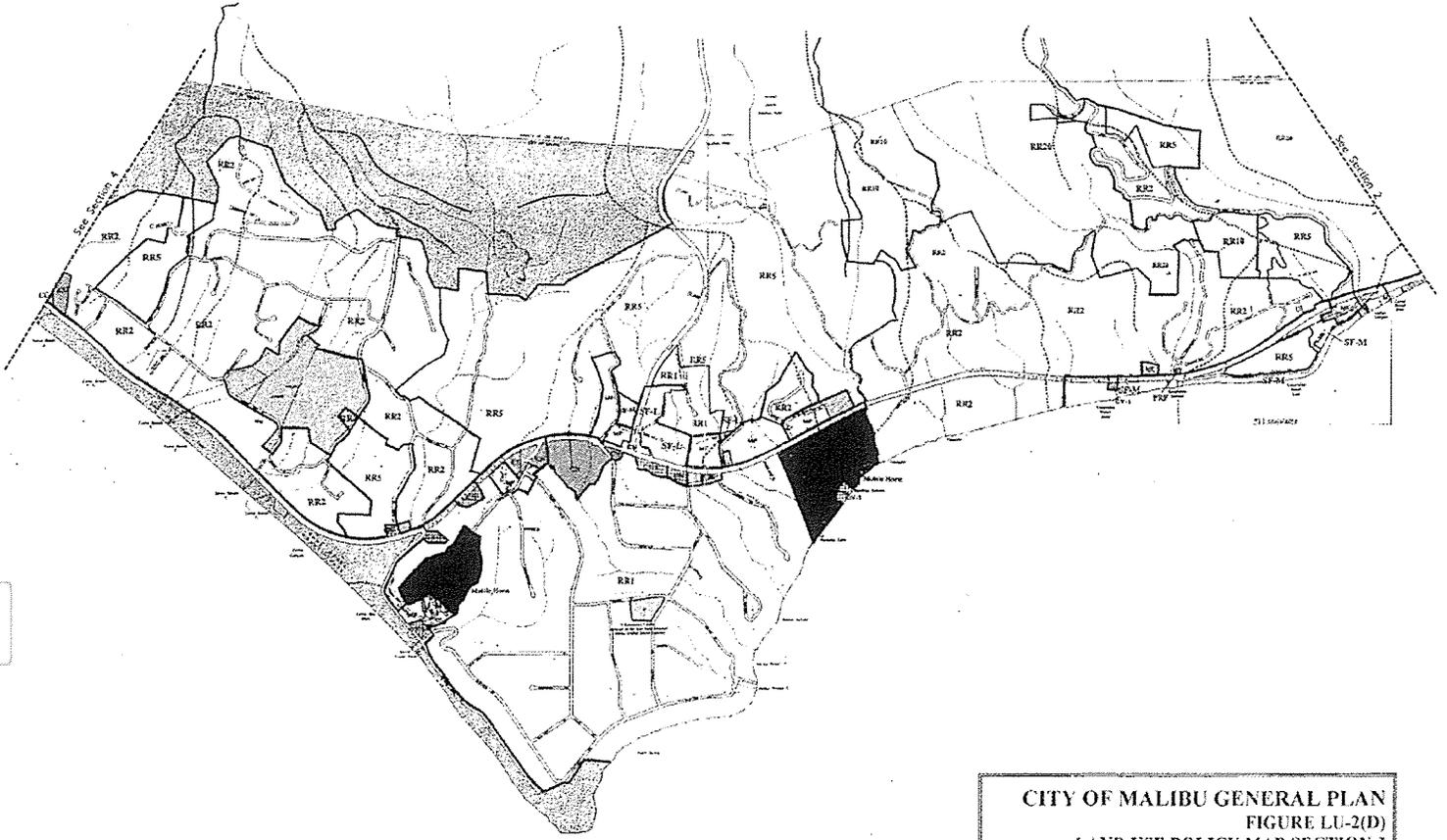
AYES: 5 Councilmembers: Grisanti, Riggins, Silverstein, Stewart, Uhring
NOES: 0
ABSTAIN: 0
ABSENT: 0



KELSEY PETTIJOHN, City Clerk
(seal)

EXHIBIT A

General Plan Land Use Map

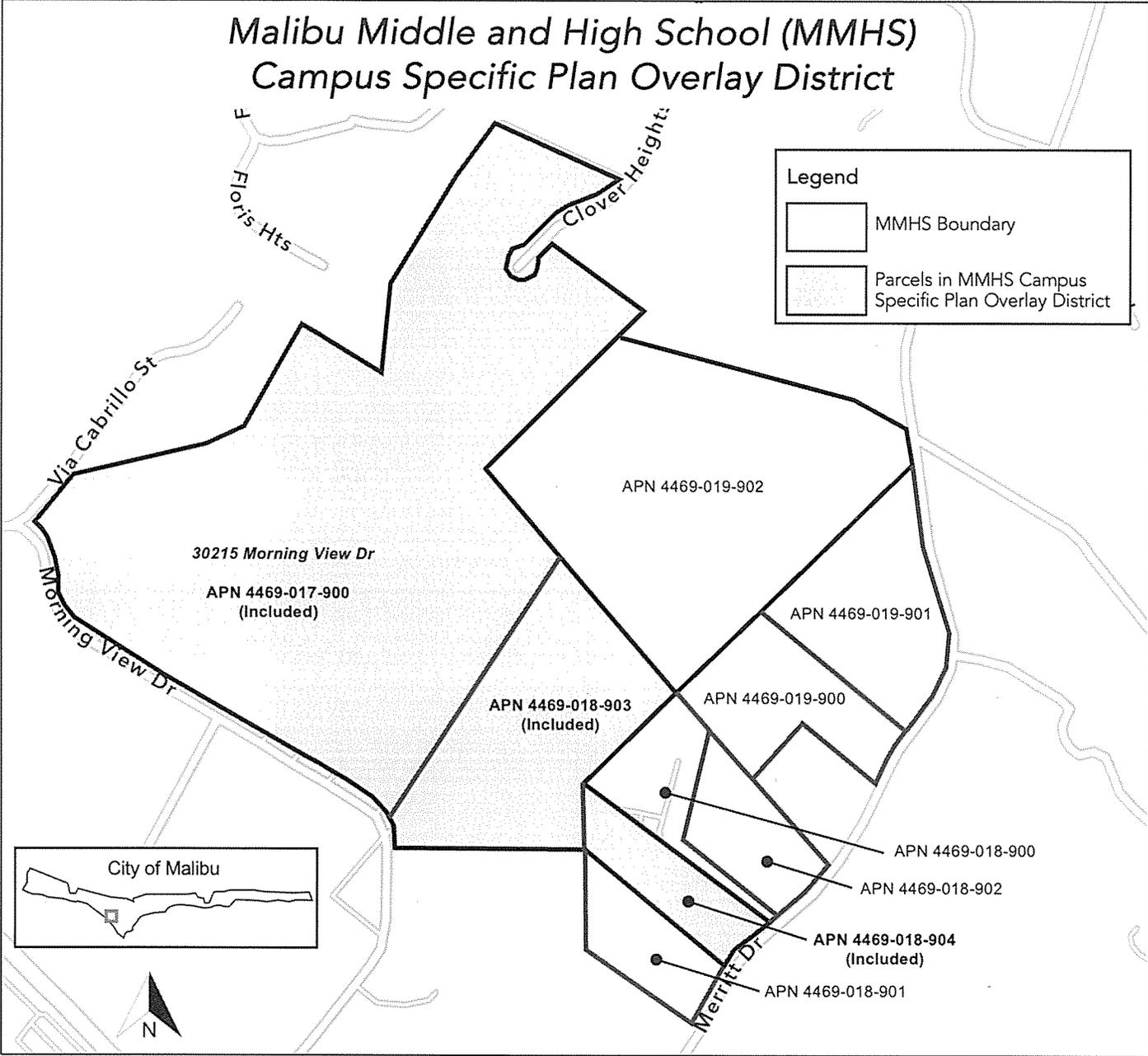


Section 3

**CITY OF MALIBU GENERAL PLAN
FIGURE LU-2(D)
LAND USE POLICY MAP SECTION 3**

EXHIBIT B

General Plan MMHS Campus Specific Plan Overlay District Map



Note: The City of Malibu Planning Department prepared this map on September 22, 2023 (GPMA No. 21-002).