

# Council Agenda Report

To: Mayor Uhring and the Honorable Members of the City Council

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: October 10, 2023 Meeting date: October 23, 2023

Subject: Second Reading and Adoption of Ordinance No. 512

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**RECOMMENDED ACTION:** Conduct second reading, unless waived, and adopt Ordinance No. 512, an ordinance of the City of Malibu amending LCPA No. 21-002, Zoning Text Amendment (ZTA) No. 22-002, and Zoning Map Amendment (ZMA) No. 22-001, as adopted by Ordinance No. 501 and pursuant to the conditional certification action taken by the CCC on September 8, 2023 in order to obtain final certification of the submitted LCPA application for the MMHS Campus Specific Plan Overlay District, and finding the action to be exempt from the California Environmental Quality Act and consistent with the EIR for the project with no further environmental review under CEQA required.

**FISCAL IMPACT:** There is no fiscal impact associated with the recommended action.

**STRATEGIC PRIORITY:** This item is part of the day-to-day operations identified in the Adopted FY 2023-24 Strategic Priority Project List.

**DISCUSSION:** On October 9, 2023, the Council introduced on first reading Ordinance No. 512.

**ATTACHMENT:** Ordinance No. 512

## ORDINANCE NO. 512

AN ORDINANCE OF THE CITY OF MALIBU AMENDING LOCAL COASTAL PROGRAM AMENDMENT NO. 21-002, ZONING TEXT AMENDMENT NO. 22-002, AND ZONING MAP AMENDMENT NO. 22-001, AS ADOPTED BY ORDINANCE NO. 501 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 TO 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 Ordinance No. 501 approving Local Coastal Program Amendment (LCPA) No. 21-002, Zoning Text Amendment (ZTA) No. 22-002, and Zoning Map Amendment (ZMA) No. 22-001 to: A) add Section 3.4.6 to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 3.4 to incorporate the Malibu Middle and High School (MMHS) Campus Specific Plan into the LIP; B) exempt MMHS from the prohibition of electronic message center signs required by LIP Section 3.15.3; C) amend Malibu Municipal Code (MMC) section 17.42.020 to add Subsection “M.” to incorporate the MMHS Campus Specific Plan into the MMC consistent with the proposed LCPA language; D) exempt MMHS from the prohibition of electrical message center signs required by MMC Section 17.52.040; E) amend LCP Zoning Map No.2 to add a boundary line around the MMHS Campus Specific Plan Area, denoting the boundaries of the MMHS Campus Specific Plan area for three parcels (Assessor’s Parcel Map Numbers 4469-017-900, 4469-018-903, and 4469-018-904) located at 30215 Morning View Drive; F) add MMHS Campus Specific Plan Environmental Sensitive Habitat Area (ESHA) Restoration Map Nos. 1, 2, and 3 to the LIP; G) add the proposed site plan for the MMHS Campus Specific Plan to the LIP; and H) amend the MMC Zoning Map consistent with the update to LCP Zoning Map No. 2 located at 30215 Morning View Drive (Santa Monica-Malibu Unified School District).

B. On September 8, 2023, the California Coastal Commission (CCC) took action to conditionally certify the City’s LCPA for Ordinance No. 501 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 Ordinance amending LCPA No. 21-002 (Exhibits A, C, and D of Ordinance No. 501), ZTA No. 22-002 (Exhibit B of

Ordinance No. 501), and ZMA No. 22-001 (Exhibit F of Ordinance No. 501), as adopted by Ordinance No. 501 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 and introduced on first reading the proposed Ordinance amending LCPA No. 21-002 (Exhibits A, C, and D of Ordinance No. 501), ZTA No. 22-002 (Exhibit B of Ordinance No. 501), and ZMA No. 22-001 (Exhibit F of Ordinance No. 501), as adopted by Ordinance No. 501 on September 27, 2022, reviewed and considered written reports, public testimony, and related information.

E. On October 23, 2023, the City Council conducted a second reading and adopted Ordinance No. 512.

## SECTION 2. Environmental Review.

The City Council has analyzed the amended LCPA and corollary amendments to the ZTA and ZMA 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 ZTA and ZMA, 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 LIP as previously adopted by Ordinance No. 501 (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 LIP Section 19.5(B), the City Council adopts the following amendments to the LIP 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 and zoning maps in the LIP as adopted by Exhibits A, C, and D of Ordinance No. 501 for LCPA No. 21-002 as follows:

A. That LIP Section 3.4.6 "Specific Plan Overlay District" be renumbered and retitled as "LIP Section 3.4.7 – Malibu Middle and High School (MMHS) Campus Specific Plan Overlay District" and the section replaced in its entirety as follows, which amends the proposed regulations included in Exhibit A of Ordinance No. 501, as recommended by the CCC:

#### **LIP Section 3.4.7 – Malibu Middle and High School (MMHS) Campus Specific Plan Overlay District**

The MMHS Campus Specific Plan Overlay District is intended to provide for the classification and development of a parcel or parcels of land as a coordinated, comprehensive project that will result in a more desirable development or physical environment than would be possible through the strict application of conventional zoning regulations and standards. The provisions of this section shall apply to the MMHS Campus (30215 Morning View Drive/APNs 4469-017-900, 4469-018-903, and 4469-18-904), as identified in the MMHS Campus Specific Plan Overlay District map.

#### **A. Malibu Middle and High School Campus Specific Plan.**

The provisions of this section provide custom development criteria and uses for the redevelopment of the MMHS campus, as described in MMHS Campus Specific Plan (August 2022), a plan which establishes the development standards and plan for the redevelopment of campus facilities in multiple phases to enhance and modernize facilities and improve campus circulation, as illustrated on the MMHS Campus Site Plan of the LIP.



## B. Development Standards.

The Institutional Development Standards contained in LIP Section 3.9 shall not apply. The following are the development standards for the MMHS Campus Specific Plan Overlay District:

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. Notwithstanding the provisions of LIP Section 13.27.1(A)(8), all development proposed above eighteen (18) feet in height must require a Site Plan Review, pursuant to Section 13.27 of the Malibu LIP. Should a Site Plan Review be required, the entire development above eighteen (18) feet, including all roof projections, requires the installation of story poles to ensure private view protection.
  - 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.
- 4. Wayfinding and Informational Signage

The provisions of LIP Section 3.15.3(J) shall not apply. The following describes the types of allowed signs:

- a. Building Identification Signs. All buildings will have non-illuminated identification signs mounted flush to the wall to comply with public safety requirements.
- b. Marquee signs. Two double-sided monument signs would be allowed on Morning View Drive. The monument signs would be a maximum of five feet tall and contain an LED display screen, 10 mm pixel spacing with dimmable brightness that is oriented perpendicular to Morning View Drive facing east. The signs would be placed on concrete wall support and have an internally illuminated logo and must be turned off within one-half hour of all school events. Marquee sign lighting shall be dimmable in the evenings when not required for student/community communication.

## 5. Lighting.

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.

## 6. Grading.

The grading requirements of LIP Section 3.8(B) shall not apply. Grading shall not exceed the following quantities, inclusive of all grading categories without distinction between exempt, nonexempt, and remedial grading:

Phase	Cut (cy)	Fill (cy)	Project Phase Total (cy)
1	35,200	10,400	45,600
2	5,175	-	5,175
3	25,300	14,000	39,300
4	10,000	33,350	43,350
Total	40,475	47,350	87,825

The export of cut material may be required to preserve the natural topography of the project site. Cut material may only be exported to an appropriate landfill or a site permitted to accept material.

#### 7. Permitted Uses in ESHA Buffer

The following types of new development and redevelopment, as provided in the Malibu Middle and High School Campus Specific Plan Overlay District, 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 8 below, so that it does not significantly disrupt the habitat values of ESHA:

- a. ESHA and creek-related educational uses and permeable pads for viewing areas;
- b. 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;
- c. Fuel modification required by the California Department of Forestry and Fire Protection;
- d. Exterior lighting solely for accessibility and safety purposes; and
- e. Fences necessary for public safety, restoration, and protection of habitat.

#### 8. ESHA Restoration Plan

##### a. 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 7 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 Map Nos. 1, 2, and 3” of the LIP, 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.
- b. 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 a 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 in 8(a)(1) and 8(a)(2) 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.

B. That the added language to Subsection J of LIP Section 3.15.3 (Prohibited Signs) adopted by Exhibit A of Ordinance No. 501 be deleted and revert to certified language as shown below, as recommended by the CCC:

“J. Automatic changing signs or electronic message center signs, except for public service time and temperature signs, and public safety signs such as changeable traffic message signs.”

C. That the added language to LIP Section 4.5.4 (Environmentally Sensitive Habitat Buffers) adopted by Exhibit A of Ordinance No. 501 be deleted and revert to certified language as shown below, as recommended by the CCC:

1. Public accessways and trails, including directional signs.
2. Interpretive signage designed to provide information about the value and protection of the resources.
3. Restoration projects where the primary purpose is restoration of the habitat.
4. Invasive plant eradication projects if they are designed to protect and enhance habitat values.

D. That the added language to Subsection 1 of LIP Section 4.6.1 (Buffers) adopted by Exhibit A of Ordinance No. 501 be deleted and revert to certified language as shown below, as recommended by the CCC:

1. Stream/Riparian

New development shall provide a buffer of no less than 100 feet in width from the outer edge of the canopy of riparian vegetation. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream.

However, in the Point Dume area, new development shall be designed to avoid encroachment on slopes of 25 percent grade or steeper.

E. That the following modifications to LIP Zoning Map No. 2 (Zuma Beach to Escondido Beach) adopted by Exhibit C of Ordinance No. 501 be removed in their entirety, as shown in Exhibit A of this ordinance, as recommended by the CCC: 1) the crosshatching added to Assessor Parcel Numbers (APN) 4469-017-900, 4469-018-903, and 4469-018-904 located at 30215 Morning View Drive be deleted; 2) the zoning designation titled “Specific Plan” be deleted; and 3) the underlying zoning designation of “Institutional” on APNs 4469-017-900, 4469-018-903, and 4469-018-904 be restored.

F. That a new overlay district map titled “Malibu Middle and High School (MMHS) Campus Specific Plan Overlay District” be added to the LIP, as shown in Exhibit B of this ordinance, 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, as recommended by the CCC.

G. That the “MMHS Campus Specific Plan ESHA Restoration Map Nos. 1, 2, and 3” added to the LIP as adopted by Exhibit D of Ordinance No. 501 be retitled as “MMHS Campus Specific Plan Overlay District ESHA Restoration Map Nos. 1, 2, and 3,” as shown in Exhibit C of this ordinance, as recommended by the CCC.

H. That Exhibit E (Proposed Site Plan for MMHS Campus Specific Plan) remain in the LIP as adopted by Ordinance No. 501 with no modifications.

I. That the revision to Policy 6.7 of LCP Land Use Plan (LUP) Chapter 6 (Scenic and Visual Resources) is not required to be included in Ordinance No. 501.

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 Malibu Middle and High School Campus Specific 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 LIP, 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 visual resources, public access, and recreation opportunities. Incorporating specific requirements for the build-out of the MMHS Campus achieves LIP Sections 1.2(D) and (G) (guides future growth and development), LIP Section 1.2(F) (promotes public health, safety, and general welfare), and LIP Section 1.2(K) (assures adequate public uses, facilities, and improvements).

#### SECTION 6. Zoning Text Amendment.

Pursuant to Section 17.74.040 of the MMC, the City Council adopts the following corollary amendments to Title 17 of the MMC 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 MMC as adopted by Exhibit B of Ordinance No. 501 for ZTA No. 22-002 as follows:

A. That Subsection M (Specific Plan Overlay District) of MMC Section 17.42.020 (Overlay districts) be retitled as "Malibu Middle and High School (MMHS) Campus Specific Plan Overlay District" and the section replaced in its entirety as follows, which amends the proposed regulations included in Exhibit B of Ordinance No. 501, corollary to the recommendations by the CCC for LCPA No. 21-002:

#### M. Malibu Middle and High School (MMHS) Specific Plan Overlay District

The MMHS Campus Specific Plan Overlay District is intended to provide for the classification and development of a parcel or parcels of land as a coordinated, comprehensive project that will result in a more desirable development or physical environment than would be possible through the strict application of conventional zoning regulations and standards. The provisions of this section shall apply to the MMHS Campus (30215 Morning View Drive/APNs 4469-017-900, 4469-018-903, and 4469-18-904), as identified in the MMHS Campus Specific Plan Overlay District map.

##### 1. Malibu Middle and High School Campus Specific Plan.

The provisions of this section provide custom development criteria and uses for the redevelopment of the MMHS campus, as described in MMHS Campus Specific Plan (August 2022), a plan which establishes the development standards and plan for the redevelopment of campus facilities in multiple phases to enhance and modernize facilities and improve campus circulation, as illustrated on the MMHS Campus Site Plan of the LIP.

## 2. Development Standards.

The institutional development standards contained in Section 17.40.110 shall not apply. The following are the development standards for the MMHS Campus Specific Plan

### Overlay District:

- a. 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. Notwithstanding the provisions of Section 17.62.040(A)(12), all development proposed above eighteen (18) feet in height must require a Site Plan Review, pursuant to Sections 17.62.040 and 17.62.060 of the Malibu Municipal Code. Should a Site Plan Review be required, the entire development above eighteen (18) feet, including all roof projections, requires the installation of story poles to ensure private view protection.
  - i. 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.
  - ii. 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.
  - iii. Building H: Theater/Performing Arts shall not exceed a maximum height of forty-five (45) feet above finished grade.
  - iv. Building J: High School Gym/Physical Education shall not exceed a maximum height of forty-five (45) feet above finished grade.
  - v. 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.
  - vi. 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).
  - vii. In no event shall the maximum number of stories above grade be greater than two.
- b. Yards/Setbacks.
  - i. Front yard setbacks shall be ten (10) feet from the street easement.
  - ii. 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.



- iii. 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.
- c. Site-Specific Development Criteria. All proposed construction shall comply with the following site-specific development standards:
  - i. 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 general plan, where additional significant public benefits and amenities are provided as part of the project.
  - ii. 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 17.48.050(E) 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.
  - iii. Pool and pool deck lighting must be consistent with the Malibu Dark Sky Ordinance.
  - iv. 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.
- d. Wayfinding and Informational Signage

The following describes the types of allowed signs pursuant to the MMHS Campus Specific Plan:

- i. Building Identification Signs. All buildings will have non-illuminated identification signs mounted flush to the wall to comply with public safety requirements.
- ii. Marquee signs. Two double-sided monument signs would be allowed on Morning View Drive. The monument signs would be a maximum of five feet tall and contain an LED display screen, 10 mm pixel spacing with dimmable brightness that is perpendicular to Morning View Drive facing east. The signs would be placed on concrete wall support and have an internally illuminated logo and must be turned off within one-half hour of all school events. Marquee sign lighting shall be dimmable in the evenings when not required for student/community communication.

## e. Lighting.

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.
- v. 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.

## f. Grading.

The grading requirements of LIP Section 3.8(B) shall not apply. Grading shall not exceed the following quantities, inclusive of all grading categories without distinction between exempt, nonexempt, and remedial grading:

Phase	Cut (cy)	Fill (cy)	Project Phase Total (cy)
1	35,200	10,400	45,600
2	5,175	-	5,175
3	25,300	14,000	39,300
4	10,000	33,350	43,350
Total	40,475	47,350	87,825

The export of cut material may be required to preserve the natural topography of the project site. Cut material may only be exported to an appropriate landfill or a site permitted to accept material.

g. Permitted Uses in ESHA Buffer

The following types of new development and redevelopment, as provided in the Malibu Middle and High School Campus Specific Plan Overlay District, 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 h 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.

h. 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 g 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 Map Nos. 1, 2, and 3” of the LIP, 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 in subsections (h)(i)(1) and (h)(i)(2) 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.

## SECTION 7. Zoning Map Amendment.

Pursuant to Section 17.74.040 of the MMC, the City Council adopts the following corollary amendments to Title 17 of the MMC 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 the MMC Zoning Map as adopted by Exhibit F of Ordinance No. 501 for ZMA No. 22-001 as follows:

A. That the modifications to the MMC Zoning Map adopted by Exhibit F of Ordinance No. 501 be removed in their entirety, as shown in Exhibit D of this ordinance, 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; 2) the zoning designation titled “Specific Plan” be deleted; and 3) the underlying zoning 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 MMC Zoning Map, as shown in Exhibit E of this ordinance, 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 8. Zoning Text/Map Amendment Findings.

The ZTA will effectuate amendments made to LCPA No. 21-002 for the MMHS Campus Specific Plan as adopted by Ordinance No. 501 on September 27, 2022 and conditionally certified by the CCC on September 8, 2023. The ZMA will allow the maps of the MMC 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 ZMA meets the requirements of and is in compliance with the General Plan as follows:

A. The ZTA and ZMA are consistent with the objectives, policies and general land uses in the General Plan, as amended by the LCPA.

B. The ZTA and ZMA will allow the MMC to be amended and be consistent with the amended LIP text and LCP zoning maps and is only a corollary of that action.

C. The ZTA and ZMA are necessary for the proposed LCPA and will only be approved if the LCPA is approved, and on the condition that the ZTA and ZMA only take effect if the LCPA is certified by the CCC.

#### SECTION 9. 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 10. Effective Date.

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

#### SECTION 11. Severability.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of this Ordinance shall be and shall remain in full force and effect, valid, and enforceable.

SECTION 12. Certification.

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

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
STEVE UHRING, Mayor

ATTEST:

\_\_\_\_\_  
KELSEY PETTIJOHN, City Clerk  
(seal)

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
TREVOR RUSIN, City Attorney

Exhibit A: LCP Zoning Map

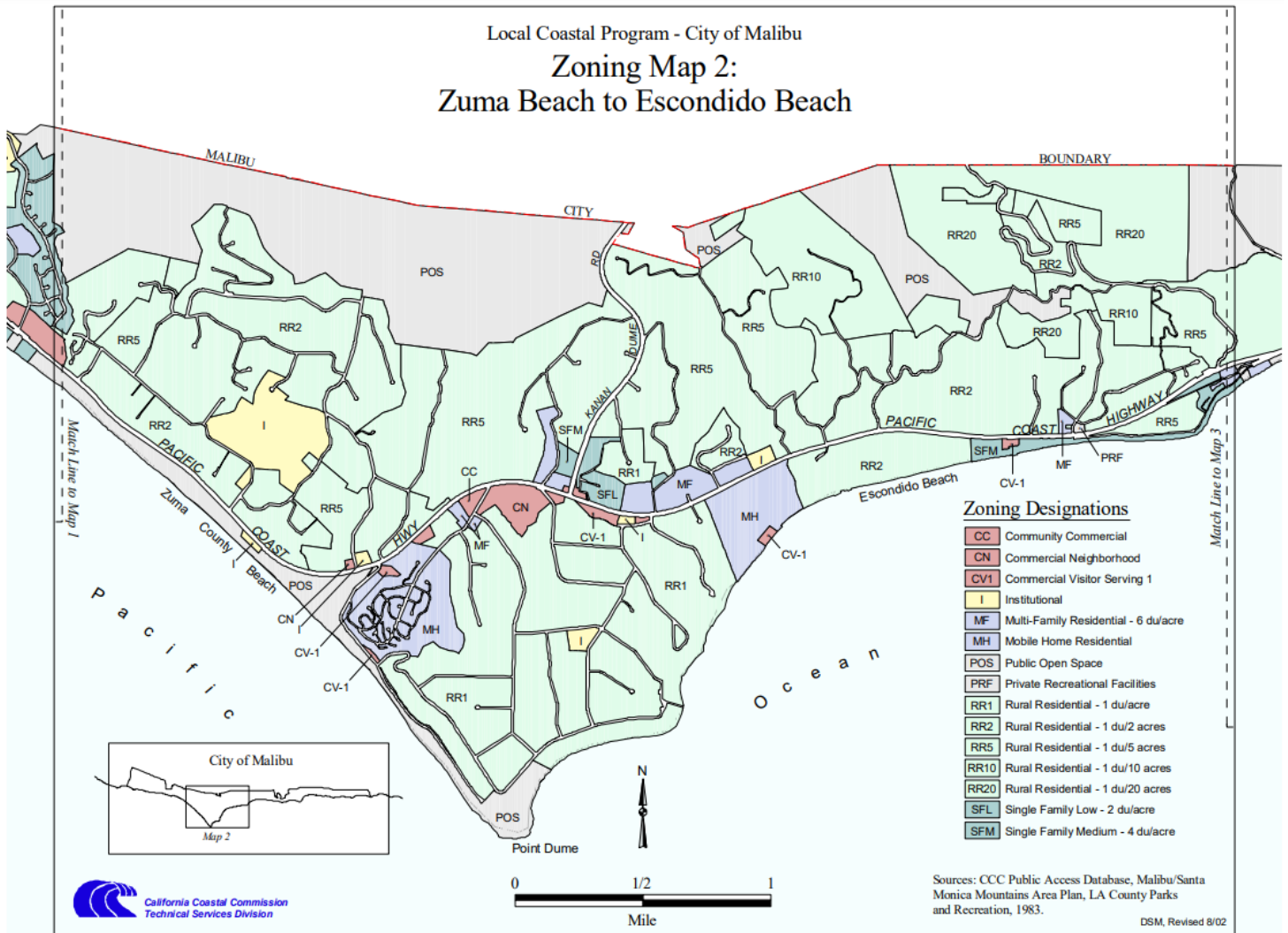
Exhibit B: LCP MMHS Campus Specific Plan Overlay District Map (LCPA No. 21-002)

Exhibit C: MMHS Campus Specific Plan Overlay District ESHA Restoration Map Nos. 1, 2, and 3

Exhibit D: MMC Zoning Map

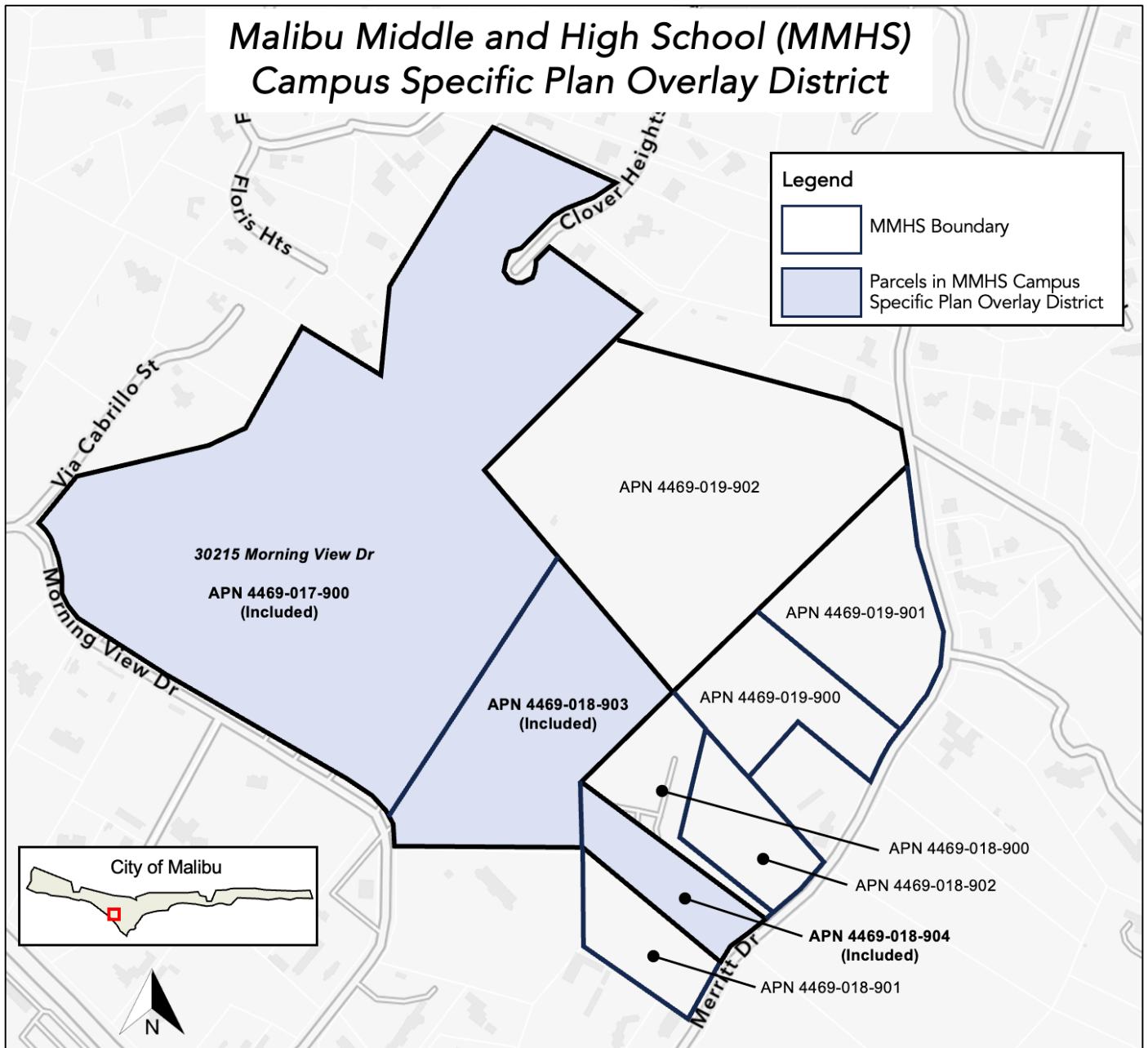
Exhibit E: MMC MMHS Campus Specific Plan Overlay District Map (ZMA No. 22-001)

**EXHIBIT A**  
**LCP Zoning Map No. 2**



## EXHIBIT B

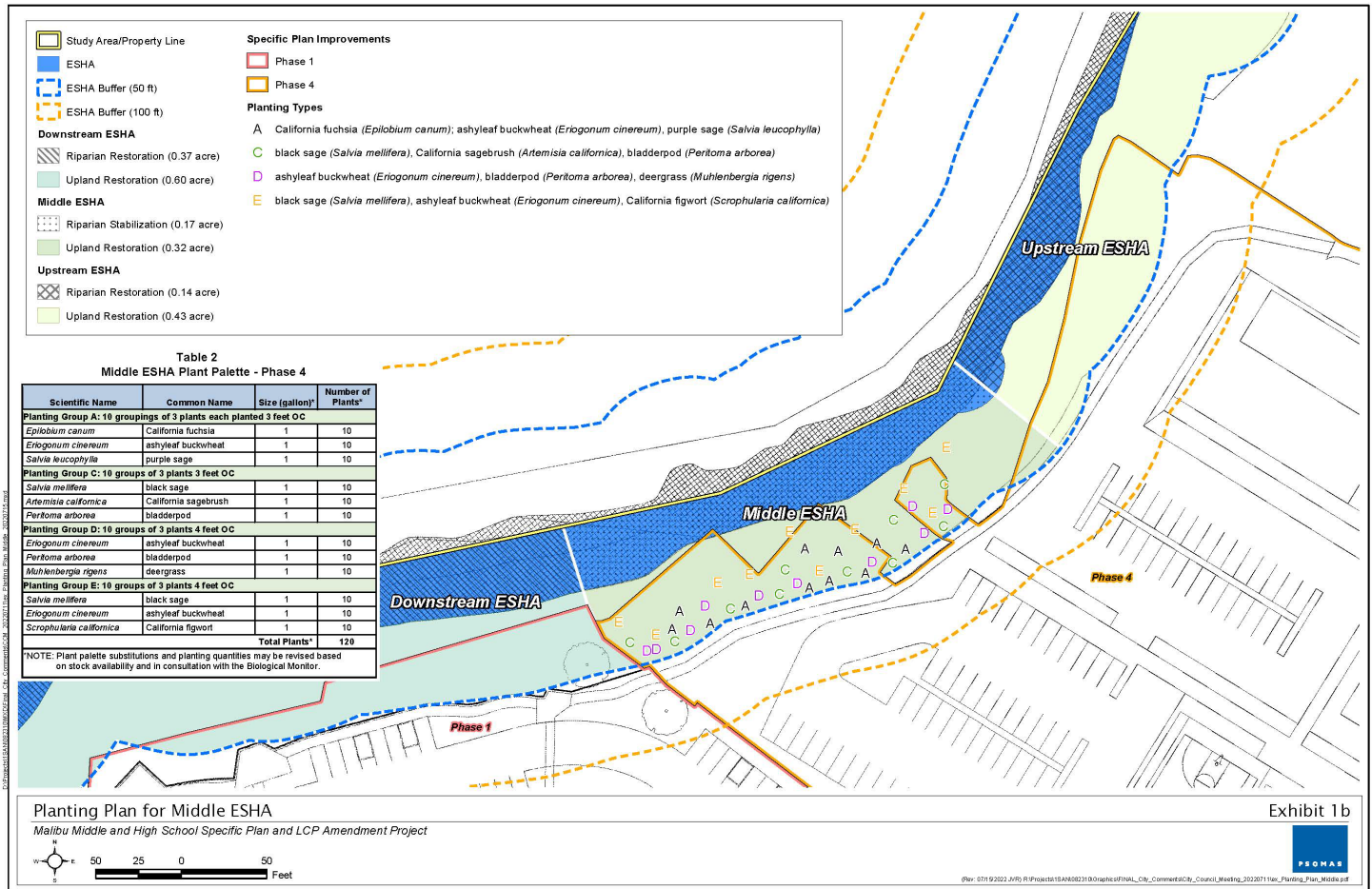
### LCP MMHS Campus Specific Plan Overlay District Map



Note: The City of Malibu Planning Department prepared this map on September 22, 2023 (LCPA No. 21-001).

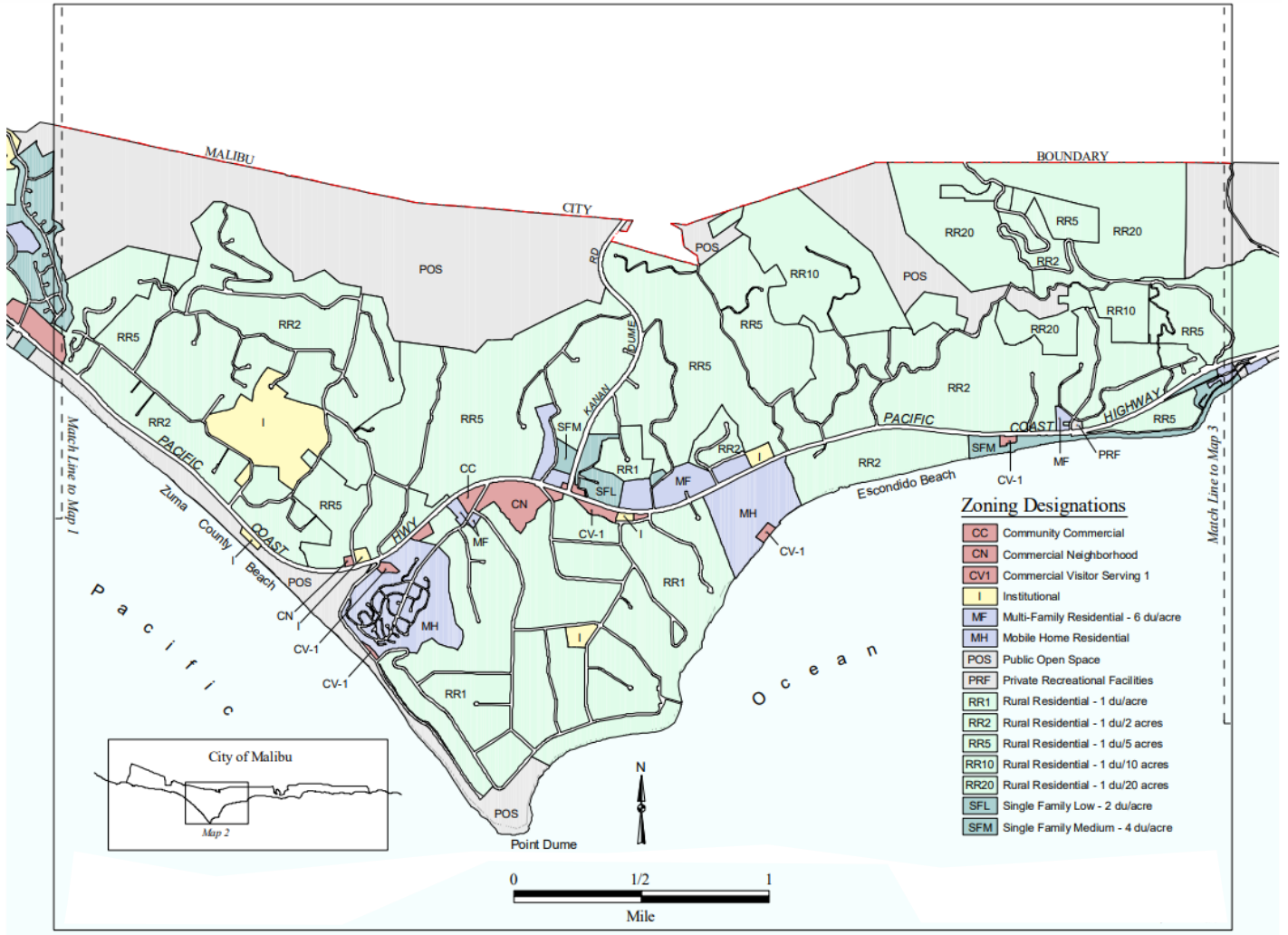








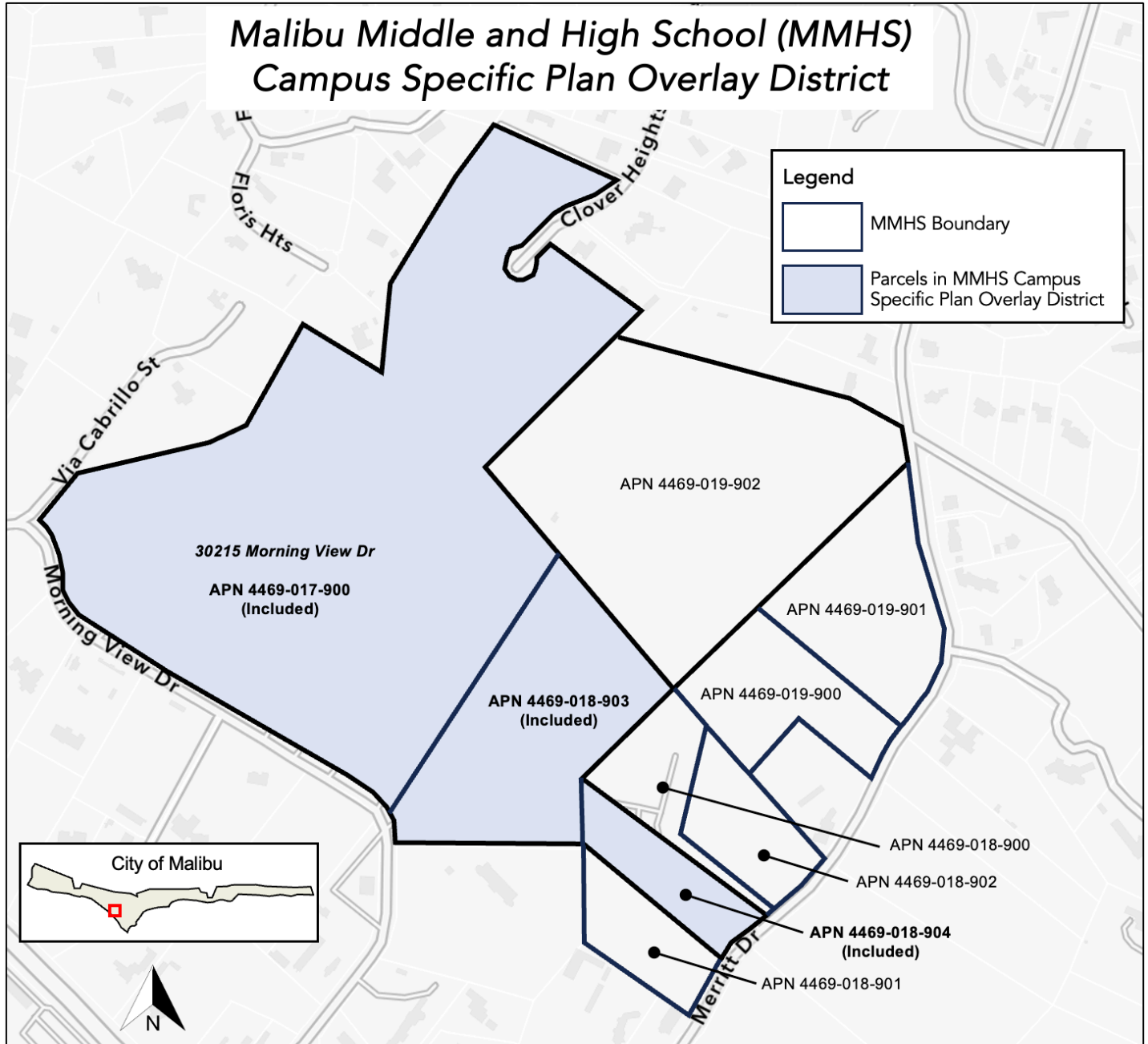
**EXHIBIT D**  
**MMC Zoning Map**





## EXHIBIT E

### MMC MMHS Campus Specific Plan Overlay District Map



Note: The City of Malibu Planning Department prepared this map on September 22, 2023 (ZMA No. 22-001).