



# Council Agenda Report

To: Mayor Grisanti and Honorable Members of the City Council

Prepared by: Raneika Brooks, Senior Planner

Reviewed by: Richard Mollica, Planning Director  
Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: September 1, 2022

Meeting Date: September 12, 2022

Subject: Second Reading and Adoption of Ordinance No. 501

---

**RECOMMENDED ACTION:** 1) Conduct the Public Hearing; and 2) After the City Attorney reads the title of the ordinance, adopt Ordinance No. 501 approving Local Coastal Program Amendment (LCPA) No. 21-002, Zoning Map Amendment No. 22-001, and Zoning Text Amendment No. 22-002 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 the MMHS from the prohibition of Electronic Message Center (EMC) 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 the MMHS from the prohibition of EMC 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 [APNs] 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).

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

**WORK PLAN:** This item was not included in the Adopted Work Plan for Fiscal Year 2022-2023. This project is part of normal staff operations.

DISCUSSION: On August 8, 2022, the Council introduced on first reading Ordinance No. 501. The ordinance implements the MMHS Campus Specific Plan, which was also approved on August 8, 2022, and added modified development standards related to building heights, signage, permitted uses in the ESHA buffer, and provided an overview of the ESHA Restoration Plan.

MMC Section 17.74.040 requires that a 21-day notice take place before the final adoption of the ordinance. Consistent with this requirement, staff published a Notice of Public Hearing on August 18, 2022. The purpose of this item before the Council is to satisfy the public hearing requirements contained in the MMC and to conduct the second reading of Ordinance No. 501.

ATTACHMENT:

1. Ordinance No. 501
2. Notice of Public Hearing

## ORDINANCE NO. 501

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT NO. 21-002, ZONING MAP AMENDMENT NO. 22-001, AND ZONING TEXT AMENDMENT NO. 22-002 TO: A) ADD SECTION 3.4.6 TO LOCAL COASTAL PROGRAM LOCAL IMPLEMENTATION PLAN SECTION 3.4 TO INCORPORATE THE MALIBU MIDDLE AND HIGH SCHOOL CAMPUS SPECIFIC PLAN INTO THE LOCAL IMPLEMENTATION PLAN, B) EXEMPT THE MALIBU MIDDLE AND HIGH SCHOOL FROM THE PROHIBITION OF ELECTRONIC MESSAGE CENTER SIGNS REQUIRED BY LOCAL IMPLEMENTATION PLAN SECTION 3.15.3, C) AMEND MALIBU MUNICIPAL CODE SECTION 17.42.020 TO ADD SUBSECTION “M.” TO INCORPORATE THE MALIBU MIDDLE AND HIGH SCHOOL CAMPUS SPECIFIC PLAN INTO THE MALIBU MUNICIPAL CODE CONSISTENT WITH THE PROPOSED LOCAL COASTAL PROGRAM AMENDMENT LANGUAGE, D) EXEMPT THE MALIBU MIDDLE AND HIGH SCHOOL FROM THE PROHIBITION OF ELECTRICAL MESSAGE CENTER SIGNS REQUIRED BY MALIBU MUNICIPAL CODE SECTION 17.52.040, E) AMEND LOCAL COASTAL PROGRAM ZONING MAP NO. 2 TO ADD A BOUNDARY LINE AROUND THE MALIBU MIDDLE AND HIGH SCHOOL CAMPUS SPECIFIC PLAN AREA, DENOTING THE BOUNDARIES OF THE MALIBU MIDDLE AND HIGH SCHOOL 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 MALIBU MIDDLE AND HIGH SCHOOL CAMPUS SPECIFIC PLAN ENVIRONMENTAL SENSITIVE HABITAT AREA RESTORATION MAP NOS. 1, 2, AND 3 TO THE LOCAL IMPLEMENTATION PLAN, G) ADD THE PROPOSED SITE PLAN FOR THE MALIBU MIDDLE AND HIGH SCHOOL CAMPUS SPECIFIC PLAN TO THE LOCAL IMPLEMENTATION PLAN, AND H) AMEND THE MALIBU MUNICIPAL CODE ZONING MAP CONSISTENT WITH THE UPDATE TO LOCAL COASTAL PROGRAM ZONING MAP NO. 2 LOCATED AT 30215 MORNING VIEW DRIVE (SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT)

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

### SECTION 1. Recitals.

A. On August 20, 2020, the Santa Monica-Malibu Unified School District (SMMUSD) issued a Notice of Preparation of a Draft Environmental Impact Report (EIR)

and the proposed project's Initial Study (IS) for public review and comment. The comment period ended on September 21, 2020.

B. On September 9, 2020, SMMUSD held a public scoping meeting.

C. On October 15, 2021, SMMUSD issued a Notice of Availability and the proposed project's Draft EIR for public review and comment. The document was available for public comment for a 45-day public review period that began on October 15, 2021, and ended on November 29, 2021.

D. On November 2, 2021, SMMUSD staff conducted a community presentation on the project and Draft EIR.

E. On December 28, 2021, the response to comments on the Draft EIR was circulated to all of those who submitted comments.

F. On January 26, 2022, SMMUSD certified the Final EIR.

G. On December 21, 2021, the SMMUSD submitted an application for a specific plan for the Malibu Middle and High School Campus along with a coastal development permit for Phase 1 of the Specific Plan, which includes abatement and demolition of the school facilities associated with the former Juan Cabrillo Elementary School (JCES), construction of a new two-story high school building, a lot merger, new parking areas, Environmentally Sensitive Habitat Area (ESHA) restoration, and associated development.

H. In April 2022, SMMUSD expressed a concern that the timing to address the incomplete items in the pending Coastal Development Permit (CDP) application for Phase 1 was taking longer than anticipated and the additional processing time required by the California Coastal Commission (CCC) to certify the Local Coastal Program Amendment (LCPA) could jeopardize the campus plan implementation. At SMMUSD's request, City staff agreed to allow the draft Specific Plan and the associated legislative entitlements to proceed through the City's public hearing process in advance of the CDP application.

I. On May 5, 2022, the project Environmental Review Board (ERB) reviewed the proposed project and made recommendations. Staff recommends all feasible recommendations be incorporated into the final project.

J. On May 5, 2022, a Notice of Availability of Local Coastal Program (LCP) Documents and a Notice of Planning Commission Public Hearing were published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

K. On May 26, 2022 a Notice of City Council 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.

L. On May 31, 2022, the Planning Commission held a duly noticed public hearing on the Final EIR, LCPA No. 21-002, General Plan Map Amendment (GPMA) No. 21-002, Zoning Map Amendment (ZMA) No. 22-001, and Zoning Text Amendment (ZTA) No. 22-002, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

M. On June 13, 2022, the City Council continued this item to the June 27, 2022 Regular City Council meeting.

N. On June 27, 2022, the City Council continued this item to the July 11, 2022 Regular City Council meeting.

O. On July 11, 2022, the City Council 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. After staff read into the record suggested language as recommended by California Coastal Commission (CCC) staff, which included new references to MMHS Campus Specific Plan ESHA Restoration Map Nos. 1, 2, and 3 and the Proposed Site Plan for the MMHS Campus Specific Plan, the modified ordinance was approved by the Council and staff was directed to schedule the second reading and adoption of Ordinance No. 501 for the August 8, 2022 Regular City Council meeting.

P. On July 21, 2022, SMMUSD formally submitted the revised ESHA Restoration Maps to the City.

Q. On July 28, 2022, staff determined that, out of an abundance of caution, the Council should reintroduce on first reading the altered Ordinance No. 501, which now includes new Exhibits D and E as suggested by the CCC.

R. On August 8, 2022, the City Council re-introduced the altered Ordinance No. 501 incorporating Exhibit D (MMHS Campus Specific Plan ESHA Restoration Map Nos. 1, 2, and 3) and Exhibit E (Proposed Site Plan for the MMHS Campus Specific Plan).

S. On September 12, 2022, the City Council conducted a second reading and adopted Ordinance No. 501.

## SECTION 2. Environmental Review.

Acting as the lead agency in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15051, on January 26, 2022, the District Board adopted a Final EIR for the project (State Clearinghouse No. 202008350). A Draft EIR was prepared for the project to assess potential environmental impacts and was made available and circulated for public review and comment, pursuant to the provisions of CEQA. It also examined environmental impacts for alternatives to the project, as required by CEQA. The document was available for public comment for a 45-day public review period that began

on October 15, 2021, and concluded on November 29, 2021. A public information meeting was held on September 9, 2021, to receive public comment on the Draft EIR. The Final EIR responds to the comments and proposes text revisions to the Draft EIR in response to input received on the Draft EIR.

The Final EIR identified potentially significant environmental impacts that would result from the project; however, the Board found that the inclusion of certain mitigation measures as part of the project approval would reduce most potentially-significant impacts to a less than significant level. Accordingly, a Mitigation Monitoring and Reporting Program (MMRP) was adopted for the project and included in the Final EIR. The EIR identified significant and unavoidable impacts with respect to Lighting and Construction Noise. Pursuant to CEQA Section 21081(b) and CEQA Guidelines Section 15093, the Board weighed the benefits of the project, including the specific economic, legal, social, and technological benefits, against the unavoidable lighting and construction noise impacts and determined that the identified benefits outweigh the unavoidable impacts. Accordingly, a Statement of Overriding Considerations (SOC) was adopted by the Board as part of the Final EIR.

Pursuant to CEQA Guidelines Sections 15082 and 15096, the Board acting as the lead agency for the project consulted with responsible agencies throughout the preparation of the EIR, including the City. As the decision-making body for the Specific Plan, the City will consider the adequacy of the Final EIR prior to acting upon or approving the project and will have to certify that the information contained in the EIR is adequate for such approval. Otherwise, the City may consider a method of relief pursuant to CEQA Guidelines Section 15096(e) if the City finds that the EIR is not adequate for use by the responsible agency (City).

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. On January 27, 2022, a Notice of Decision for the Final EIR was filed by the District with the State Clearinghouse (No. 202008350).

### SECTION 3. Local Coastal Program Amendments.

Pursuant to Section 19.5(B) of the Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP), the City Council adopts the following amendments to the LIP as follows and as stated in Exhibit A, incorporated by this reference:

A. Adding Section 3.4.6 to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 3.4 to incorporate the MMHS Campus Specific Plan into the LIP.

B. Amending LIP Sections 3.15.3, 4.54, 4.6.1, and 6.7.

C. LCP Zoning Map No. 2 is hereby amended as stated in Exhibit C, incorporated by this reference 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 [APNs] 4469-017-900, 4469-018-903, and 4469-018-904) located at 30215 Morning View Drive.

D. MMHS Campus Specific Plan ESHA Restoration Map Nos. 1, 2, and 3 is hereby added as stated in Exhibit D and incorporated by this reference.

E. Proposed Site Plan for the MMHS Campus Specific Plan is hereby added as stated in Exhibit E and incorporated by this reference.

#### SECTION 4. 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. Development standards specific to the Malibu Middle and High School Campus 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 LCP Local Implementation Plan (LIP), the MMHS Campus Specific Plan 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 5. Zoning Text Amendments.

Pursuant to Section 17.74.040 of the MMC, the City Council adopts the following amendments to Title 17 of the MMC as follows and as stated in Exhibit B, incorporated by this reference:

A. Amending MMC Section 17.42.020 to add subsection "M" and amending MMC Section 17.52.

Further, the MMC Zoning Map is hereby amended as stated in Exhibit F, incorporated by this reference.

SECTION 6. Zoning Text/Map Amendment Findings.

A. The subject zoning text and map amendment are consistent with the objectives, policies, general land uses, and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement, protect public safety and preserve Malibu's natural and cultural resources.

B. The City Council finds that the subject zoning text and map amendments comply with the City of Malibu General Plan, MMC, and the LCP.

SECTION 7. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit LCPA No. 21-002 to the California Coastal Commission for certification, in conformance with the submittal requirements specified in California Code of Regulation, Title 14, Division 5.5., Chapter 8, Subchapter 2, Article 7 and Chapter 6, Article 2 and Code of Regulations Section 13551, et. seq.

SECTION 8. Effective Date.

In accordance with California Government Code section 36937, this Ordinance shall become effective on the 30th day following its passage and adoption, except for the amendment to the LCP. The LCPA is subject to certification by the California Coastal Commission and shall become effective after certification.

SECTION 9. 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 the Ordinance shall be and shall remain in full force and effect, valid, and enforceable.

SECTION 10. The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 12<sup>th</sup> day of September, 2022.

---

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk  
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE  
TREVOR RUSIN, Interim 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 Malibu Municipal Code and Code of Civil Procedure

Exhibit A: Local Coastal Program Amendment (LCPA 21-002)

Exhibit B: Malibu Municipal Code Amendment (ZTA No. 22-002)

Exhibit C: Local Coastal Program Zoning Map No. 2 (LCPA 21-002)

Exhibit D: MMHS Campus Specific Plan ESHA Restoration Map Nos. 1, 2, and 3  
(LCPA No. 21-002)

Exhibit E: Proposed Site Plan for the MMHS Campus Specific Plan (LCPA No. 21-002)

Exhibit F: Malibu Municipal Code Zoning Map (ZMA No. 22-001)

**EXHIBIT A****Proposed Local Coastal Program Amendment No. 21-002****LIP Amendments****Chapter 3 – Zoning Designations and Permitted Uses****LIP Section 3.4.6 – Specific Plan Overlay District**

The 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. All uses within the boundaries of the specific plans listed below shall comply with the provisions of the specific plan in addition to applicable standards in the underlying zone (unless otherwise specified), other provisions of this ordinance, and other provisions of law.

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

The Malibu Middle and High School (MMHS) Campus Specific Plan establishes the development standards and plan for the Malibu Middle and High School Campus. Development on the property covered by the specific plan will be governed by the specific plan guidelines and regulations in addition to applicable standards in the underlying zone (unless otherwise specified), other provisions of this ordinance, and other provisions of law.

The following are the development standards for the MMHS Campus Specific Plan:

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. 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 approved grading plan.
  - b. Building D: Middle School Gym/Multi-Purpose Room and 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.

- c. Building H: Theater/Performing Arts and shall not exceed a maximum height of forty-five (45) feet above finished grade.
- d. Building J: Gym/Physical Education shall not exceed a maximum height of forty-five (45) feet above finished grade.
- e. Building L: shall not exceed a maximum height of eighteen (18) feet above finished grade, except for chimneys, rooftop antenna, and light standards that shall not exceed a maximum height of 28 feet.
- 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. Building placement for Phase 1 shall be as shown on Figure 6, Proposed Site Plan, as approved by City Council. Building Placement for subsequent phases will be considered by the City as part of the site plan review process.
- b. Any future buildings must comply with the following:
  - (1) Front yard setbacks shall be ten (10) feet from the street easement.
  - (2) Side yard setbacks shall be five feet
    - (a) 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.
    - (b) When adjacent to the ESHA all buildings shall have a 100-foot setback from the ESHA. With the exception of access trails and fencing, and parking, all other improvements shall be setback 50-feet from the ESHA.
  - (3) 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 Development Criteria.** All proposed construction within the MMHS Campus Specific Plan shall comply with the following site 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 general 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) 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 permeable.
- c. Sports field lighting shall be limited to the main sports field and parking lots at Malibu High School. All new outdoor lighting shall adhere to the standards of Malibu Local Coastal Program Local Implementation Plan Sections 4.6.2 and 6.5.G
- d. All parking areas within the 100-foot ESHA 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.

## **5. Wayfinding and Informational Signage**

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

- 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.

## **6. Permitted Uses in ESHA Buffer**

New development and substantial redevelopment as provided in the Malibu Middle and High School Campus Specific Plan may be allowed in the 100-foot ESHA buffer, but in no case closer than 50 feet as shown on MMHS Campus Specific Plan ESHA

Restoration Map Nos. 1, 2, and 3 of the Malibu LIP, if it does not significantly disrupt the habitat values of ESHA and may include:

1. ESHA and creek-related educational uses and viewing platforms;
2. Relocation of existing roads, road rights-of-way, utilities, public infrastructure and facilities, and Parking Lots D and E as depicted on the Proposed Site Plan MMHS Campus Specific Plan of the Malibu LIP. The redevelopment shall be accomplished 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;
3. Fuel modification required by the State Fire Marshall to meet the Fire Code Defensible Space Requirements for existing development in High Fire Hazard Areas; and
4. The following uses may be allowed where the encroachment into the habitat buffer is minimized to the extent feasible, where all feasible mitigation measures have been provided to minimize adverse environmental effects, and the maximum feasible habitat buffer between the development and the habitat is provided:
  - a. Limited exterior lighting for safety purposes; and
  - b. Fences necessary for safety, restoration, and protection of habitat.

## **7. ESHA Restoration Plan**

The ESHA Restoration Plan shall be implemented as part of Phase 1 of the MMHS Campus Specific Plan and completed by Phase 4 as specified in the plan. Work shall be completed as shown on “ESHA Restoration Map Nos. 1, 2, and 3.” As a condition of approval of, and prior to issuance of a coastal development permit for Phase I of the Malibu Middle and High School Campus Specific Plan, a phased ESHA Restoration Plan shall be submitted for review and approval by the City Biologist.

During Phase 1 of the MMHS Campus Specific Plan, demolition of hardscape within the 100-foot buffer of the downstream area would occur. Restoration activities that would occur within the entire reach include weed abatement, broadcast of native seed and planting of native stock and invasive plant controls. Bank stability improvements and erosion control would occur in the upstream and downstream portions of the ESHA during Phase 1, which include the proposed pedestrian trail and new drive aisles.

Demolition of developed areas within the 100-foot buffer of the upstream and middle stream area would occur during Phase 4, as the Bus Barn and other existing structures would remain operational until Phase 4 commences. Upon completion of Phase 4, the pedestrian trail would be completed and connect to existing trails on the campus.

Any proposed changes to the ESHA Restoration Plan on file with the City must be approved by the City Biologist in consultation with the California Coastal Commission Biologist.

## **Chapter 3 – Signs**

### **Modify LIP Section 3.15.3(J) – Prohibited Signs.**

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, except as otherwise provided allowed by the Malibu Middle and High School Campus Specific Plan.

## **Chapter 4 – Environmentally Sensitive Habitat Area Overlay**

### **4.5. PERMITTED USES**

#### **4.5.4 Environmentally Sensitive Habitat Buffers**

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.
5. Uses listed in LIP Section 3.4.6(A)(6) for the Malibu Middle and High School Campus Specific Plan project.

#### **4.6.1. Buffers**

New development adjacent to the following habitats shall provide native vegetation buffer areas 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 habitat they are designed to protect.

Vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted within buffers except as provided in Section 4.6.1 (E) or (F) of the Malibu LIP. The following buffer standards shall apply:

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 and new development and substantial redevelopment of the Malibu Middle and High School Campus shall meet the standards in Section 3.46(A)(2).

2. Wetlands

New development shall provide a buffer of no less than 100 feet in width from the upland limit of the wetland.

3. Woodland ESHA

New development shall provide a buffer of no less than 100 feet in width from the outer edge of the tree canopy for oak or other native woodland.

4. Coastal Bluff ESHA

New development shall provide a buffer of no less than 100 feet from the bluff edge.

5. Coastal Sage Scrub ESHA

New development shall provide a buffer of sufficient width to ensure that no required fuel modification area (Zones A, B, and 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 coastal sage scrub plant community.

6. Chaparral ESHA

New development shall provide a buffer of sufficient width to ensure that no required fuel modification area (Zones A, B, and 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 chaparral plant community.

7. Other ESHA

For other ESHA areas not listed above, the buffer recommended by the Environmental Review Board or City biologist, in consultation with the California Department of Fish and Game, as necessary to avoid adverse impacts to the ESHA shall be required.

## **Chapter 6 – Scenic and Visual Resources**

**6.7** 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. The maximum height for buildings on the MMHS Campus shall be established in the MMHS Campus Specific Plan.

**EXHIBIT B**  
**Proposed Zoning Text Amendment No. No. 22-002**

**Add a new “M.” 17.42.020 Overlay districts.**

“M. Specific Plan Overlay District

The 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. All uses within the boundaries of the specific plans listed below shall comply with the provisions of the specific plan in addition to applicable standards in the underlying zone (unless otherwise specified), other provisions of this ordinance, and other provisions of law.

1. Malibu Middle and High School Campus Specific Plan

The Malibu Middle and High School (MMHS) Campus Specific Plan establishes the development standards and plan for the Malibu Middle and High School Campus. Development on the property covered by the specific plan will be governed by the specific plan guidelines and regulations in addition to applicable standards in the underlying zone (unless otherwise specified), other provisions of this ordinance, and other provisions of law.

The following are the development standards for the MMHS Campus Specific Plan:

- 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. 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.
  - (1) 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 approved grading plan.
  - (2) Building D: Middle School Gym/Multi-Purpose Room and 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.

- 
- (3) Building H: Theater/Performing Arts and shall not exceed a maximum height of forty-five (45) feet above finished grade.
  - (4) Building J: Gym/Physical Education shall not exceed a maximum height of forty-five (45) feet above finished grade.
  - (5) Building L: shall not exceed a maximum height of eighteen (18) feet above finished grade, except for chimneys, rooftop antenna, and light standards that shall not exceed a maximum height of 28 feet.
  - (6) 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).
  - (7) In no event shall the maximum number of stories above grade be greater than two.
- b. Yards/Setbacks.
- (1) Building placement for Phase 1 shall be as shown on Figure 6, Proposed Site Plan, as approved by City Council. Building Placement for subsequent phases will be considered by the City as part of the site plan review process.
  - (2) Any future buildings must comply with the following:
    - (1) Front yard setbacks shall be ten (10) feet from the street easement.
    - (2) Side yard setbacks shall be five feet
      - i. 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.
      - ii. When adjacent to the ESHA all buildings shall have a 100-foot setback from the ESHA. With the exception of access trails and fencing, and parking, all other improvements shall be setback 50-feet from the ESHA.
    - (3) 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 Development Criteria. All proposed construction within the MMHS Campus Specific Plan shall comply with the following site development standards:
1. 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.

2. 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 MMC 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 permeable.
3. Pool and pool deck lighting must be consistent with the Malibu Dark Sky Ordinance.
4. Sports field lighting shall be limited to the main sports field and parking lots at Malibu High School. All new outdoor lighting shall adhere to the standards of Malibu Local Coastal Program Local Implementation Plan Sections 4.6.2 and 6.5.G and Section 17.41 Malibu Dark Sky provisions of the municipal code.
5. All parking areas within the 100-foot ESHA 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.

#### E. Wayfinding and Informational Signage

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

1. Building Identification Signs. All buildings will have non-illuminated identification signs mounted flush to the wall to comply with public safety requirements.
2. 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.

#### F. Permitted Uses in ESHA Buffer

New development and substantial redevelopment as provided in the Malibu Middle and High School Campus Specific Plan may be allowed in the 100-foot ESHA buffer, but in

no case closer than 50 feet as shown on the MMHS Campus Specific Plan ESHA Restoration Map Nos. 1, 2, and 3 of the Malibu LIP, if it does not significantly disrupt the habitat values of ESHA and may include:

1. ESHA and creek-related educational uses and viewing platforms;
2. Relocation of existing roads, road rights-of-way, utilities, public infrastructure and facilities, and Parking Lots D and E as depicted on the Proposed Site Plan for the MMHS Campus Specific Plan of the Malibu LIP. The redevelopment shall be accomplished 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;
3. Fuel modification required by the State Fire Marshall to meet the Fire Code Defensible Space Requirements for existing development in High Fire Hazard Areas; and
4. The following uses may be allowed where the encroachment into the habitat buffer is minimized to the extent feasible, where all feasible mitigation measures have been provided to minimize adverse environmental effects, and the maximum feasible habitat buffer between the development and the habitat is provided:
  - c. Limited exterior lighting for safety purposes; and
  - d. Fences necessary for safety, restoration, and protection of habitat.

#### G. ESHA Restoration Plan

The ESHA Restoration Plan, dated July 2022, on file with the City shall be implemented as part of Phase 1 of the MMHS Campus Specific Plan and completed by Phase 4 as specified in the plan. Work shall be completed as shown on “ESHA Restoration Map Nos. 1, 2, and 3.” As a condition of approval of, and prior to issuance of a coastal development permit for Phase I of the Malibu Middle and High School Campus Specific Plan, a phased ESHA Restoration Plan shall be submitted for review and approval by the City Biologist.

During Phase 1 of the MMHS Campus Specific Plan, demolition of hardscape within the 100-foot buffer of the downstream area would occur. Restoration activities that would occur within the entire reach include weed abatement, broadcast of native seed and planting of native stock and invasive plant controls. Bank stability improvements and erosion control would occur in the upstream and downstream portions of the ESHA during Phase 1, which include the proposed pedestrian trail and new drive aisles.

Demolition of developed areas within the 100-foot buffer of the upstream and middle stream area would occur during Phase 4, as the Bus Barn and other existing structures would remain operational until Phase 4 commences. Upon completion of Phase 4, the pedestrian trail would be completed and connect to existing trails on the campus.

Any proposed changes to the ESHA Restoration Plan on file with the City must be approved by the City Biologist in consultation with the California Coastal Commission Biologist.

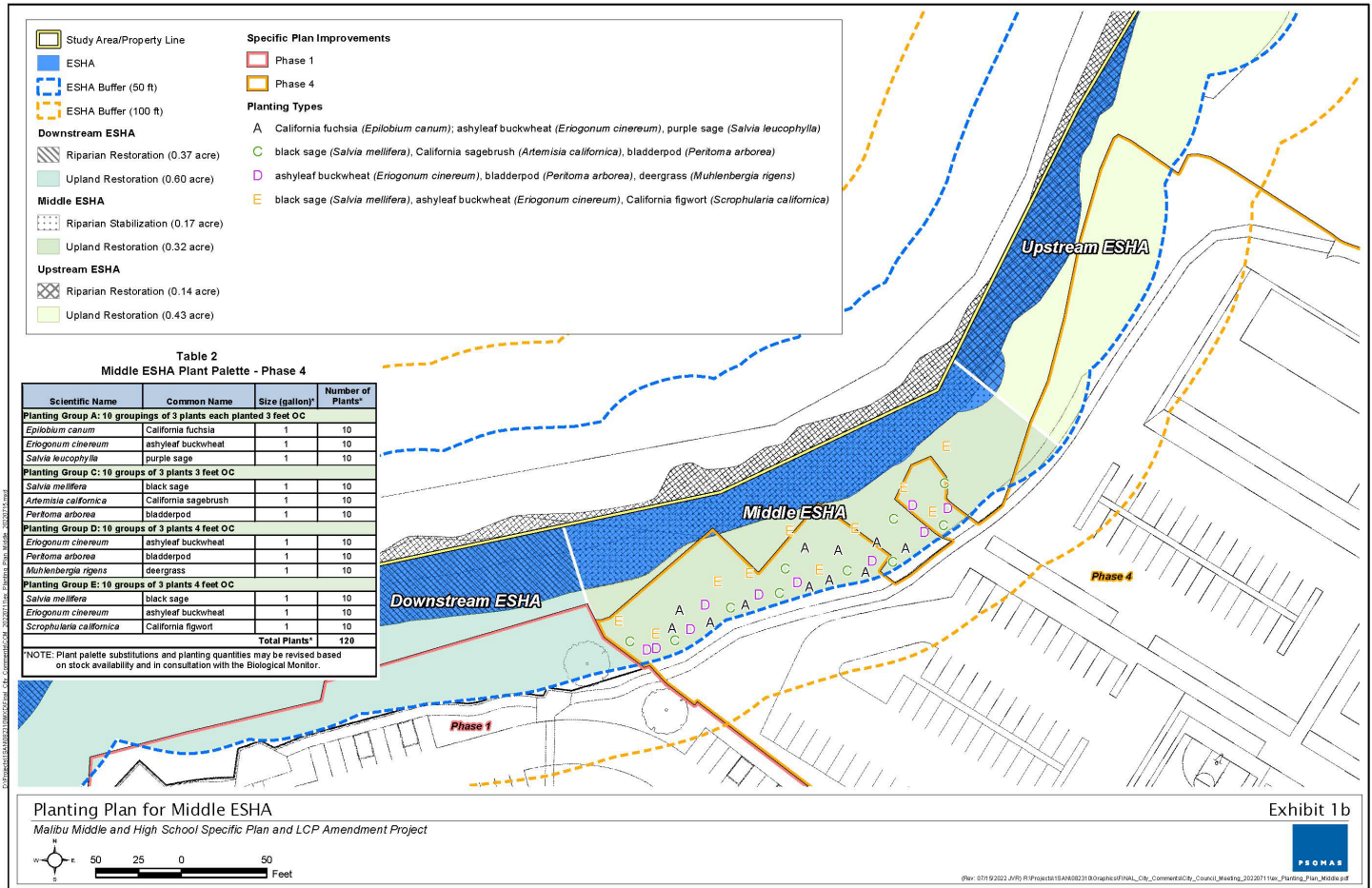
## **Chapter 17.52 – Signs**

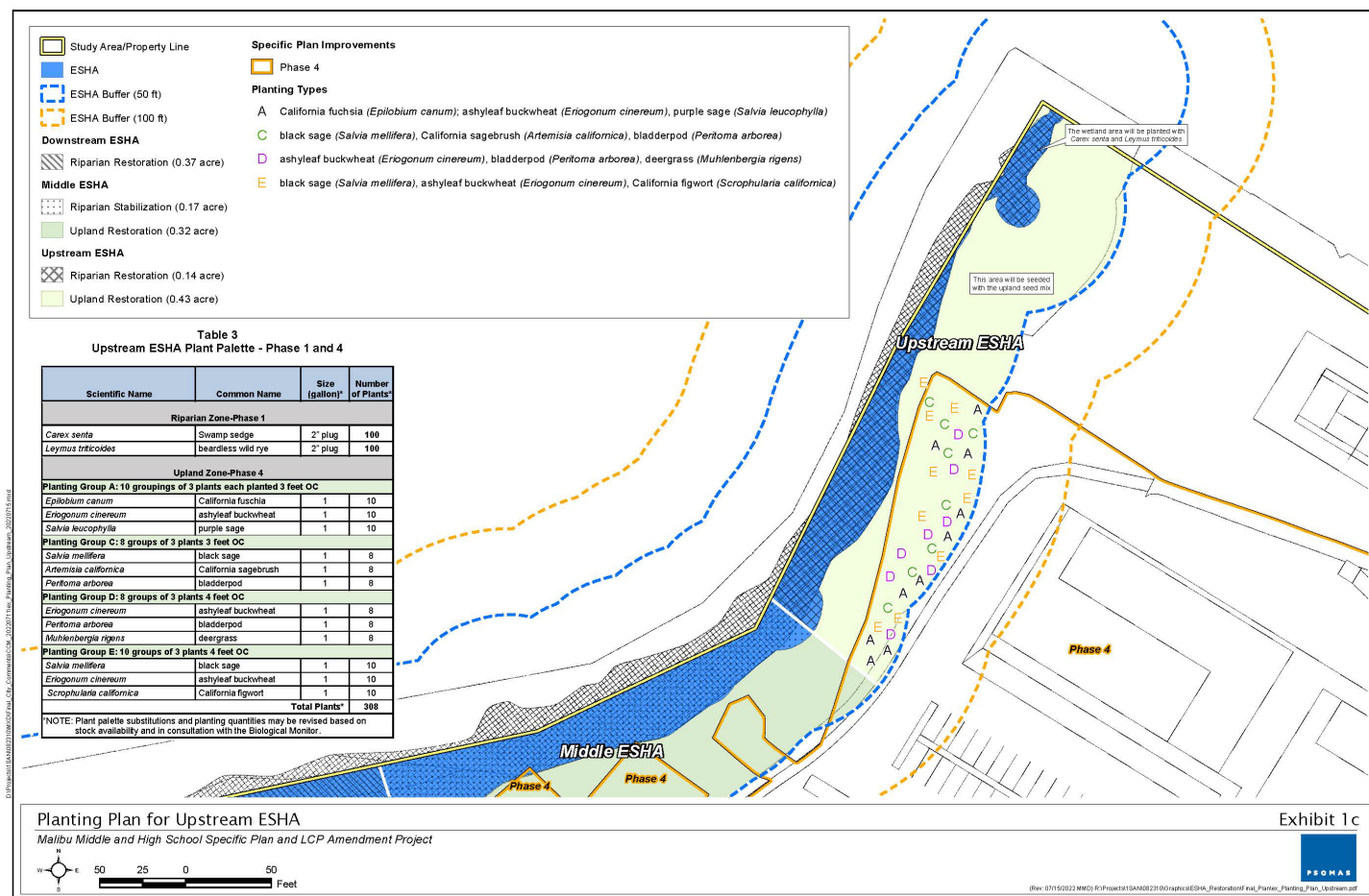
### **Modify MMC Section 17.52.040(J) – Prohibited Signs.**

Automatic changing signs or electronic message center signs, except for public service time and temperature signs, except as otherwise provided allowed by the Malibu Middle and High School Campus Specific Plan.









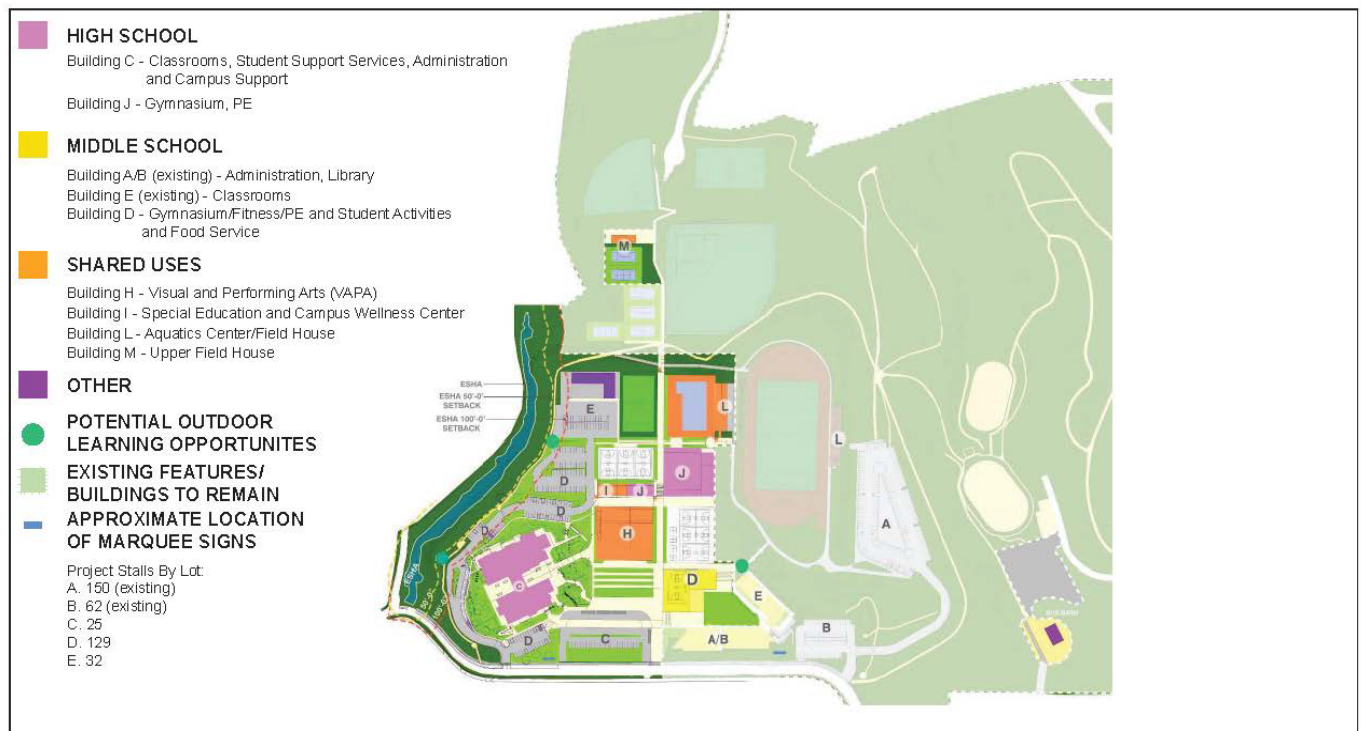
## EXHIBIT E

### Proposed Site Plan for the MMHS Campus Specific Plan

MMHS CAMPUS SPECIFIC PLAN

JULY 2022

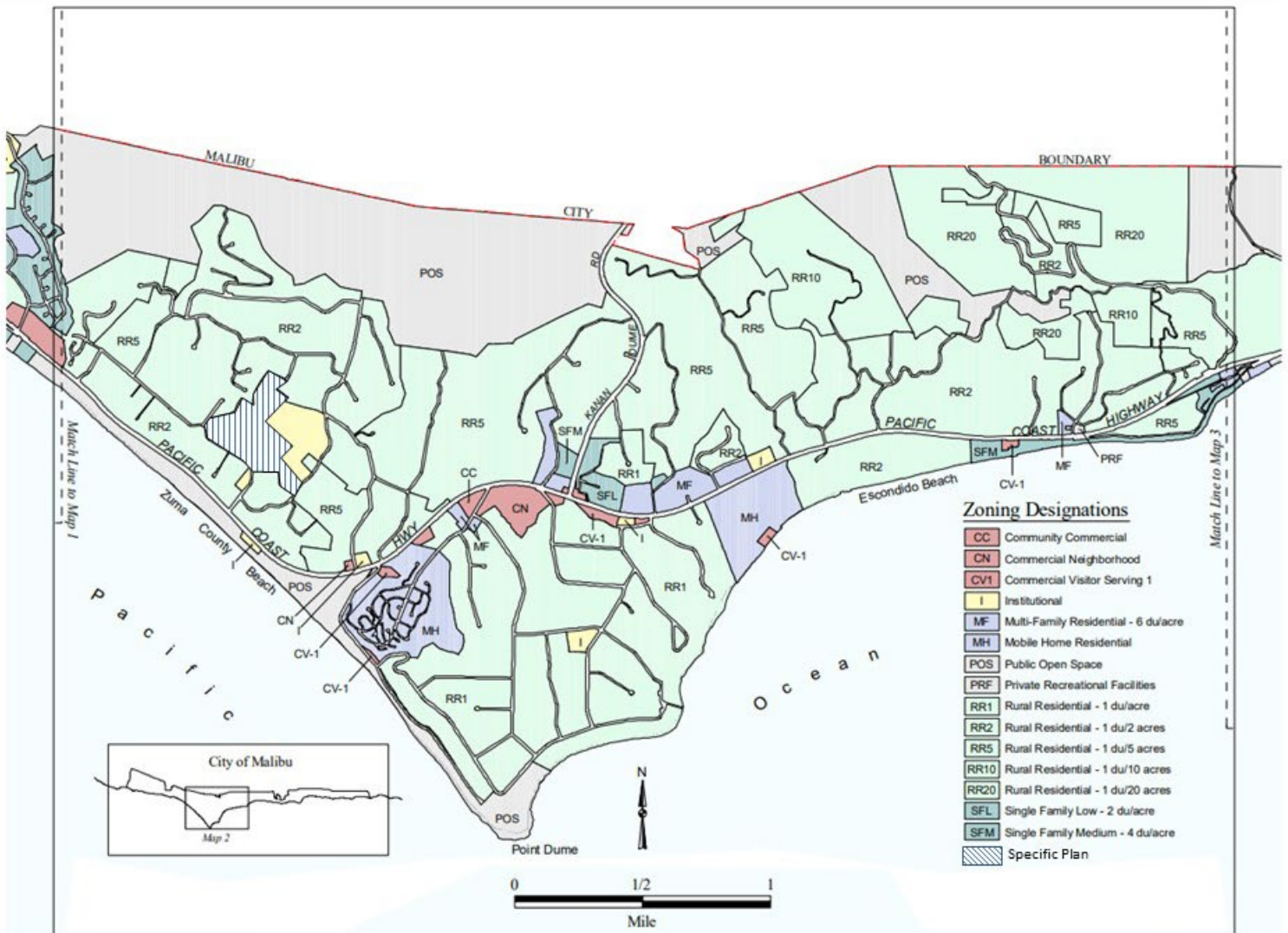
Figure 6 Proposed Site Plan



Source: LPA, 2022

## EXHIBIT F

### Malibu Municipal Code Zoning Map



**NOTICE OF PUBLIC HEARINGS  
CITY OF MALIBU  
CITY COUNCIL**

**MALIBU MIDDLE AND HIGH SCHOOL SPECIFIC PLAN**

The Malibu City Council will hold a public hearing on **MONDAY, September 12, 2022 at 6:30 PM** on the project identified below. This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to AB 361 and the County of Los Angeles Public Health Officer's Safer at Home Order. All votes taken during these teleconference meetings will be by roll call vote, and the vote will be publicly reported.

On July 11 and August 8, 2022, the City Council held duly noticed public hearings, adopted Resolution No. 22-32 certifying the adequacy of the Final Environmental Impact Report (SCH No. 202008350), and adopting the Mitigation Monitoring and Reporting Program and the Statement of Overriding Considerations, adopted Resolution No. 22-33 approving the Malibu Middle and High School Campus Specific Plan and amendments to the Local Coastal Program Land Use Plan and General Plan, and introduced on first reading Ordinance No. 501, adopting and incorporating the Specific Plan into the Malibu Municipal Code and Local Coastal Program, and directed staff to submit the Local Coastal Program to the California Coastal Commission for certification review.

On September 12, 2022, the Council will hold a public hearing and conduct the second reading of Ordinance No. 501. This hearing is being held to satisfy the public notice requirements contained in Malibu Municipal Code Sections 17.74.030, -040, and 050.

LOCAL COASTAL PROGRAM AMENDMENT NO. 21-002, ZONING MAP AMENDMENT NO. 22-001, AND ZONING TEXT AMENDMENT NO. 22-002 – An ordinance to 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 the MMHS from the prohibition of Electronic Message Center (EMC) 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 the MMHS from the prohibition of EMC 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

Note: The coastal development permit and other entitlements for the MMHS redevelopment will be considered by the Planning Commission at a later date.

Location:	30215 Morning View Drive, within the appealable coastal zone
APNs:	4469-017-900, 4469-018-903, and 4469-018-904
Zoning:	Institutional (I)
Applicant:	NAC Architecture
Owner:	Santa Monica-Malibu Unified School District (SMMUSD)
Application Filed:	December 17, 2021

Case Planner: Raneika Brooks, Senior Planner  
(310) 456-2489, extension 276  
rbrooks@malibucity.org

**EIR Certification:** Acting as lead agency in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15051, on January 26, 2022, the SMMUSD Board of Education (Board) adopted a Final Environmental Impact Report (EIR) for the MMHS Campus Specific Plan (State Clearinghouse # 20200080350). A Draft EIR was prepared for the Proposed Project to assess potential environmental impacts and was made available and circulated for public review and comment, pursuant to the provisions of CEQA. It also examined environmental impacts for alternatives to the Proposed Project, as required by CEQA. The document was available for public comment for a 45-day public review period that began on October 15, 2021, and concluded on November 29, 2021. A public information meeting was held on November 2, 2021, to receive public comment on the Draft EIR. The Final EIR responds to the comments and proposes text revisions to the Draft EIR in response to input received on the Draft EIR.

The Final EIR identified potential significant environmental impacts that would result from the Proposed Project; however, the Board found that the inclusion of certain mitigation measures as part of the Proposed Project approval would reduce most potentially-significant impacts to a less-than-significant level. Accordingly, a Mitigation Monitoring and Reporting Program (MMRP) was adopted for the Proposed Project. The EIR identified significant and unavoidable impacts with respect to Aesthetics (Light and Glare) and Noise (Sensitive Receptors). 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 aesthetics and noise impacts and determined that the identified benefits outweigh the unavoidable impacts. Accordingly, a Statement of Overriding Considerations (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. As the decision-making body for the requested entitlements, the City reviewed and considered the Final EIR.

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

Copies of all documents related to the project are available at City Hall during regular business hours or by contacting the Case Planner. Documents can also be found on the City's website: <https://www.malibucity.org/397/Malibu-Middle-High-School-Improvements>. Oral and written comments may be presented to the City Council on, or before, the date of the meeting.

**How to View the Meeting:** No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

**How to Participate Before the Meeting:** Members of the public are encouraged to submit email correspondence to [citycouncil@malibucity.org](mailto:citycouncil@malibucity.org) prior to the start of the meeting.

**How to Participate During the Meeting:** Members of the public may also speak during the meeting through the Zoom application. The City requests that you sign up to speak before the item you would like to speak on has been called by the Mayor and then must be present in the

Zoom conference to be recognized.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

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.

Richard Mollica, Planning Director

Publish Date: August 18, 2022