

Council Agenda Report

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

Prepared by: Stephanie Hawner, Associate Planner *SA*

Reviewed by: Bonnie Blue, Planning Director

Approved by: Jim Thorsen, City Manager *JT*

Date prepared: March 23, 2016 Meeting date: April 11, 2016

Subject: Santa Monica College Malibu Campus Project Floor Area Ratio Increase Request

RECOMMENDED ACTION: Adopt Resolution No. 16-13 (Attachment 1) approving an increase in floor area ratio (FAR) from 0.15 to 0.20 for the significant public benefits provided by the project conditionally approved by Coastal Development Permit No. 13-056, Variance Nos. 13-045, 14-034, and 14-035, Conditional Use Permit No. 13-011, and Demolition Permit No. 13-028 for demolition of the existing 16,603 square foot building, 7,279 square foot basement, and a portion of the existing arcade, and construction of a new two-story, 35 foot, 10 inch high, 25,310 square foot educational facility that includes a 5,640 square foot sheriff substation, for a proposed FAR of 0.20, reconstruction of the parking area, hardscape and landscaping, grading and retaining walls, lighting and utilities, and relocation and replacement of the existing 70 foot high communication tower with a 75 foot high communication tower, on the westerly 2.94 acre lease area within the 9.18 acre Los Angeles County Civic Center parcel; including a conditional use permit for an educational facility use in the Institutional zoning district located at 23525 Civic Center Way (Attachment 2).

FISCAL IMPACT: None.

DISCUSSION: The City Council is considering the Planning Commission's recommendation to approve an increase in FAR from 0.15 to 0.20 for the significant public benefits provided by the Santa Monica College (SMC) Malibu Campus Project.

FAR is the ratio of the building square footage to the square footage of the site. The Institutional zone development standards that apply to the project require that a project's FAR be limited to 0.15, and that additional floor area may be approved by the City Council pursuant to Local Implementation Plan (LIP) Section 3.9(A)(3)(a), up to the maximum allowed for the parcel under the Land Use Plan (in this case 0.20), where additional significant public benefits and amenities are provided as part of the project.

On February 29, 2016, the Planning Commission held a duly noticed public hearing and adopted Planning Commission Resolution No. 16-30 adopting SMC Malibu Campus Project Final Environmental Impact Report (EIR) and approving Coastal Development Permit No. 13-056, Conditional Use Permit No. 13-011, and the associated entitlements for the SMC Malibu Campus project, contingent upon the City Council's approval of the 0.20 FAR, and recommended that the City Council approve the proposed floor area ratio of 0.20, based upon the additional significant public benefits and amenities provided. The complete project description, analysis and history are available in the February 29, 2016 Planning Commission agenda report and resolution on the City's website at <http://www.malibucity.org/smc-malibu>.

SMC Malibu Campus Project

The applicant is proposing the SMC Malibu Campus project, consisting of a new two-story, 35 foot, 10 inch high, 25,310 square foot educational facility that includes a 5,640 square foot Los Angeles County Sheriff substation, and relocation and replacement of the existing 70 foot high communication tower with a 75 foot high communication tower, within the westerly 2.94 acre lease area within the 9.18 acre Los Angeles County Civic Center parcel. The project includes, a conditional use permit for an educational facility use in the Institutional zoning district and variances for parking space size, an increase in the maximum height of 18 feet to 35 feet, 10 inches for the building, and an increase to 75 feet for the communications tower. The project includes an FAR of 0.20 for the project site (ground lease area).

FAR Analysis and Public Benefits

The project is located in the Institutional zoning district which accommodates public and quasi-public uses and facilities in the City, with an FAR up to 0.15. The request is to allow an increase in the allowable FAR from 0.15 to 0.20, or 19,275 square feet to 25,310 square feet, a difference of 6,035 square feet. The Institutional zone development standards permit the City Council to approve an FAR greater than 0.15, up

to 0.20, if it finds that the project provides significant additional public benefits and amenities.

The proposed SMC project will provide significant public benefits and amenities in the form of the proposed land uses, and the public services being introduced in conjunction with the college as follows:

- A public community college facility which will provide educational services to the local community;
 - A 19,670 square foot educational facility,
 - 210 full time equivalent students and 12 faculty and staff members,
 - 5 classrooms, lecture hall, student lounge and office, and
 - Hours: 6 a.m. to 11 p.m. Monday through Friday.
- A Los Angeles County Sheriff substation that will provide enhanced local services, and provide space for holding cells and administrative staff;
 - A 5,640 square foot sheriff substation, and
 - Hours: 24-hours, 7 days a week.
- An improved emergency communication tower;
 - Important component to the Sheriff's station as well as City of Malibu for providing critical public safety communication radio coverage for the County's first responders, and
 - Supports the addition of new safety and communication equipment throughout the monopole's lifetime, which prolongs the tower's operational timeframe and prevents overcrowding of equipment on a single pole.
- An interpretive center to support Malibu's Legacy Park and/or other programs to highlight Malibu's unique coastal environment and cultural history;
- A multi-purpose room that will be available for public use for community meetings; and also as an emergency operations center, which is operational as necessary.

Planning Commission Action and Recommendation

Acting as lead agency, on January 13, 2016, the Santa Monica College Board of Trustees (Board), at a special meeting, certified the Final EIR and adopted a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the SMC Malibu Campus project. The Board acted as the lead agency. The City has permitting jurisdiction under the Coastal Act for this project and the Board applied for Coastal Development Permit No. 13-056, Conditional Use Permit No. 13-011, and associated entitlements in accordance with the required rules. Accordingly, the City is a responsible agency under CEQA.

On February 29, 2016, the Planning Commission held a duly noticed public hearing, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record, and adopted Planning Commission

Resolution No. 16-30 adopting the SMC Malibu Campus Final EIR, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, Findings of Fact as required by CEQA, and approving the SMC Malibu Campus Project entitlements including Coastal Development Permit 13-056, Variance Nos. 13-045, 14-034, 14-035, Conditional Use Permit No. 13-011, and Demolition Permit No. 13-028.

Since the City Council is the deciding body for the requested FAR increase, the Planning Commission reviewed the proposal, and public benefits associated with the project, and issued a recommendation to the City Council. The Planning Commission recommended approval of the 0.20 FAR for the significant public benefits provided by the project, and incorporated the Council's approval of the 0.20 FAR as a condition of approval in Planning Commission Resolution No. 16-30.

Based on upon substantial evidence in the record, the City Council may approve the increase in FAR to 0.20 for the SMC Malibu Campus project because additional significant public benefits and amenities are provided as part of the project which support allowing the project to be built to a 0.20 FAR. Therefore, staff is recommending that the City Council adopt Resolution 16-13 approving the increase in FAR to 0.20 for the SMC Malibu Campus project located at 23525 Civic Center Way.

If the Council finds that the public benefits do not support the increase in FAR it can deny the request. The applicant would have to redesign the proposed project to comply with the maximum 0.15 FAR. The Code Complying Alternative was evaluated in the EIR and Finding A3 in Planning Commission Resolution No. 16-30. The footprint of the proposed overall project and the impacts would be substantially identical. However, the project would fail to meet the project applicant's stated objectives. Approximately 25 percent less square footage would be dedicated to educational facilities. The project would be less desirable from an educational point of view in that fewer classroom spaces and educational programs could be provided.

PUBLIC NOTICE: On March 17, 2016, a Notice of City Council Public Hearing (Attachment 3) was published in a newspaper of general circulation within the City and a Notice of City Council Public Hearing was mailed to the owners and occupants within a 500-foot radius of the subject property.

ATTACHMENTS:

1. Resolution No. 16-13
2. Planning Commission Resolution No. 16-30
3. Notice of City Council Public Hearing

RESOLUTION NO. 16-13

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

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

SECTION 1. Recitals.

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

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

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

D. On February 29, 2016, the Planning Commission held a duly noticed public hearing, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record, and adopted Planning Commission Resolution No. 16-30 adopting the SMC Malibu Campus Final EIR, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, Findings of Fact, and approving the SMC Malibu Campus Project entitlements including Coastal Development Permit 13-056, Variance Nos. 13-045, 14-034, 14-035, Conditional Use Permit No. 13-011, and Demolition Permit No. 13-028 contingent upon the City Council approving an increased floor area ratio (FAR).

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

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

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

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

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

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

SECTION 2. Environmental Review.

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

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

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

SECTION 3. City Council Findings.

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

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

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

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

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

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

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

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

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

SECTION 4. City Council Action.

Based on the record as a whole, the City Council does hereby approve the increase in FAR to 0.20, for the SMC Malibu Campus project adopted in Planning Commission Resolution No. 16-30 which approved Coastal Development Permit No. 13-056, Variance Nos. 13-045, 14-034, and 14-035, Conditional Use Permit No. 13-011, and Demolition Permit No. 13-028.

Resolution No. 16-13
Page 6 of 6

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

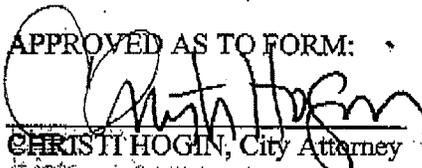
PASSED, APPROVED, and ADOPTED this 11th day of April 2016.

LAURA ROSENTHAL, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:


CHRISTI HOGIN, City Attorney

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

ATTEST:

LISA POPE

APPROVED:

CHRISTI HOGIN

City Attorney

City of Malibu

City Clerk

City of Malibu

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 16-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, ADOPTING SANTA MONICA COLLEGE MALIBU CAMPUS PROJECT FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2012051052), THE MITIGATION MONITORING AND REPORTING PROGRAM, THE STATEMENT OF OVERRIDING CONSIDERATIONS AND FINDINGS OF FACT REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 13-056, VARIANCE NOS. 13-045, 14-034, AND 14-035, CONDITIONAL USE PERMIT NO. 13-011, AND DEMOLITION PERMIT NO. 13-028 FOR DEMOLITION OF THE EXISTING 16,603 SQUARE FOOT BUILDING, WITH A 7,279 SQUARE FOOT BASEMENT AND A PORTION OF THE EXISTING ARCADE, AND CONSTRUCTION OF A NEW TWO-STORY, 35 FOOT, 10 INCH HIGH, 25,310 SQUARE FOOT EDUCATIONAL FACILITY THAT INCLUDES A 5,640 SQUARE FOOT SHERIFF SUBSTATION, FOR A PROPOSED FLOOR AREA RATIO OF 0.20; RECONSTRUCTION OF THE PARKING AREA; HARDSCAPE AND LANDSCAPING; GRADING AND RETAINING WALLS; LIGHTING AND UTILITIES; AND RELOCATION AND REPLACEMENT OF THE EXISTING 70 FOOT HIGH COMMUNICATION TOWER WITH A 75 FOOT HIGH COMMUNICATION TOWER, WITHIN THE WESTERLY 2.94 ACRE LEASE AREA WITHIN THE 9.18 ACRE LOS ANGELES COUNTY CIVIC CENTER PARCEL; INCLUDING, CONDITIONAL USE PERMIT FOR AN EDUCATIONAL FACILITY USE IN THE INSTITUTIONAL ZONING DISTRICT AND VARIANCES FOR PARKING SPACE SIZE, AN INCREASE IN THE MAXIMUM HEIGHT OF 18 FEET TO 35 FEET, 10 INCHES FOR THE BUILDING, AND AN INCREASE TO 75 FEET FOR THE COMMUNICATIONS TOWER; AND RECOMMENDING THAT THE CITY COUNCIL APPROVE THE .20 FLOOR AREA RATIO FOR THE SIGNIFICANT PUBLIC BENEFITS PROVIDED BY THE PROJECT IN THE INSTITUTIONAL ZONE LOCATED AT 23525 CIVIC CENTER WAY (COUNTY OF LOS ANGELES)

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

Section 1. Recitals.

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

B. On May 17, 2012, pursuant to the California Environmental Quality Act (CEQA), the Santa Monica College Board of Trustees (Board of Trustees), as the lead agency, published a Notice of Preparation (NOP) for the Draft Environmental Impact Report (EIR) for a 30-day period, beginning on May 17, 2012 and ending on June 17, 2012. Three public outreach meetings were held, including a public scoping meeting on May 31, 2012.

C. On October 3, 2014, a courtesy notice of the project was sent to all property owners and occupants within a 500-foot radius of the project site.

D. On December 3, 2014, a Notice of Application for Coastal Development Permit was posted on the subject property.

E. The Draft EIR was circulated for public review for a period of 60 days, beginning on July 10, 2015 and ending on September 7, 2015. A Notice of Availability of the Draft EIR was published July 11, 2015 in the Santa Monica Daily Press, on July 16, 2015 in the Malibu Times, and on July 16, 2015 in Malibu Surfside news. A courtesy postcard announcing the availability of the Draft EIR was mailed to all Malibu residents during the third week of July 2015.

F. On December 4, 2015, the Final EIR was published. The Final EIR responds to the nine comment letters received on the Draft EIR and proposes minor text revisions to the Draft EIR.

G. On January 13, 2016, the Board of Trustees certified the EIR, adopted a statement of overriding considerations, a mitigation monitoring and reporting plan (MMRP) and approved the Santa Monica College Malibu Campus Project.

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

I. On February 29, 2016, the Planning Commission held a duly noticed public hearing on the Final EIR, Coastal Development Permit No. 13-056, Variance Nos. 13-045, 14-034, and 14-035, Conditional Use Permit No. 13-011, and Demolition Permit No. 13-028 and reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

Section 2. Environmental Review.

Acting as lead agency in accordance with CEQA and CEQA Guidelines Section 15051, on January 13, 2016, the Board of Trustees adopted a final EIR for the project (State Clearinghouse No. 2012051052). 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 60-day public review period that began on July 10, 2015 and concluded on September 7, 2015. Three public information meetings were held. 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 project; however, the Board of Trustees 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, an MMRP was adopted for the project and included in the final EIR. The MMRP is attached as Exhibit A to this resolution. The EIR identified significant and unavoidable impacts with respect to Construction Noise.

Pursuant to CEQA Section 21081(b) and CEQA Guidelines Section 15093, the Board of Trustees weighed the benefits of the project, including the specific economic, legal, social, and technological benefits, against the unavoidable aesthetics and air quality impacts and determined that the identified benefits outweigh the unavoidable impacts. Accordingly, the Board of Trustees adopted a Statement of Overriding Considerations as part of the final EIR. Pursuant to CEQA Guidelines Sections 15082 and 15096, the Board of Trustees 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 subject CDP, the Planning Commission considered the final EIR and certifies that the information contained in the EIR is adequate for such approval.

Section 3. CEQA Findings for Significant Effects.

Pursuant to CEQA Guidelines Section 15096(g)(2), within its powers as the decision-making body for the subject CDP, the Planning Commission finds that there are feasible alternatives and feasible mitigation measures that would substantially reduce the project's impacts on resource areas identified in the EIR. Pursuant to CEQA Guidelines section 15096(h), the Planning Commission makes the following findings for each significant effect identified in the final EIR.

A. The Final EIR identifies project-level impacts determined to be significant and mitigable to a less than significant level. They include:

1. AESTHETICS (VIEWS, LIGHT, AND GLARE)

Significant Impact: During the Project's construction period, the Project Site would undergo considerable changes with respect to the aesthetic character of the Project Site and surrounding area. Construction activities would require demolition/site clearing, grading, excavation, and building construction activities which have the potential to generate debris and soils stockpiles, staged building materials and supplies, and exposed construction equipment, all of which would be visible to passing motorists, pedestrians, and neighboring properties from the surrounding local streets. Thus, the existing visual character of the Project Site would temporarily change from an underutilized lot to an active construction site.

Ambient nighttime lighting on the Project Site and in the vicinity is generated by sources that include streetlights, automobile headlights, and indoor/outdoor building lighting. The Project would introduce additional lighting sources to the Project Area due primarily to building illumination emanating through the windows of the proposed building, security and pedestrian safety lighting fixtures, signage lighting, and headlights from vehicles entering and leaving the parking lots.

The Project Site currently produces minimal glare, primarily associated with vehicles parked on the onsite within the surface parking lot. The Project would introduce a two-story building on the Project Site with a steel frame and cement structure and a primarily glass and metal façade that will use spandrel glazing and storefront glazing. Spandrel and storefront glazing are commonly used on modern buildings that aim to have a seamless continuity. While the glass will be treated and designed to reduce glare to the greatest extent feasible, it is still likely that the façade materials would generate glare.

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: Implementation of Final EIR Mitigation Measures AES-1 through AES-4 would ensure that the proposed Project does not result in any significant impacts to scenic resources, visual character, or light and glare.

2. AIR QUALITY

Significant Impact: Localized on-site peak daily construction emissions generated by the Project would exceed the established SCAQMD localized thresholds for PM_{2.5} emissions. Therefore the localized air quality impacts resulting from construction emissions would be potentially significant.

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: Implementation of Final EIR Mitigation Measures AQ-1 through AQ-3 would ensure that the proposed Project does not result in any significant impacts to air quality.

3. CULTURAL RESOURCES

Significant Impact: Records searches and field surveys concluded that there are no observable cultural resources, including artifacts or altered soil, indicating the presence of prehistoric archaeological remains on the Project site. Therefore, damage to, destruction, or disturbance of known important cultural, paleontological, or archaeological resources would not be expected to occur. During construction, all grading activities and surface modifications would be confined to only those areas of absolute necessity to reduce any form of impact on unrecorded (buried) cultural resources that may exist within the confines of the Project site. Nonetheless, ground-disturbing construction activities could potentially uncover previously unknown archaeological resources.

Finding: Pursuant to CEQA Section 15091(a)(1), mitigation measures have been required in, or incorporated into, the Project which avoid or substantially lessen the environmental effect as identified in the Final EIR.

Facts in Support of Finding: Implementation of the Final EIR Mitigation Measures CR-1 and CR-2 would ensure that the proposed Project does not result in any significant cultural resource impacts.

4. GEOLOGY/SOILS

Significant Impact: The Project site might be underlain by the projection of the Malibu Coast Fault. The Malibu Coast Fault has the potential of producing relatively low magnitude earthquakes due to the low slip rate. Therefore, the probability of exposing people or structures to potential substantial adverse effects from earthquakes on the Malibu Coast Fault is considered low. The Project Site is within a Seismic Hazard Zone delineated as having potential for liquefaction as mapped by the California Geological Survey (formerly CDMG) for the Malibu Beach 7.5 Minute Quadrangle.

Finding: Pursuant to CEQA Section 15091(a)(1), mitigation measures have been required in, or incorporated into, the Project which avoid or substantially lessen the environmental effect as identified in the Final EIR.

Facts in Support of Finding: Implementation of the Final EIR Mitigation Measures GEO-1 would ensure that the proposed Project does not result in any significant cultural resource impacts.

5. HAZARDS AND HAZARDOUS MATERIALS

Significant Impact: The Project would involve demolition and/or removal of the existing structures located on the Project Site. Because the structures on the Project Site were built prior to the federal banning of asbestos-containing materials (ACMs), structures have the potential to have been constructed with building materials containing lead-based paint and/or ACMs. However, none of the structures on the Project Site were sampled and/or tested for ACMs during the assessment by Ellis Environmental. Therefore, the potential release of ACMs is considered a significant impact.

Due to the building's age, it is presumed that lead-based paint is present on the Project Site. The structures on-site containing lead-based materials could release lead into the environment during demolition activities. Therefore, the potential release of lead is considered a significant impact.

During reconnaissance of the Project Site, an environmental assessor (Ellis Environmental) was escorted through the existing building on the Project Site. Ellis Environmental did not note the presence of fluorescent lights in the buildings, although it is presumed that fluorescent light ballasts manufactured prior to 1978 might be located on the Project Site. Fluorescent light ballasts manufactured prior to 1978 may contain small quantities of polychlorinated biphenyls (PCBs). It is possible that PCBs could be released into the environment during demolition activities. Therefore, the potential release of PCBs is considered a significant impact.

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: Implementation of Final EIR Mitigation Measures HAZ-1 through HAZ-5 will reduce the impacts from hazards and hazardous materials to a level less than significant.

6. HYDROLOGY AND WATER QUALITY

Significant Impact: Post-development storm water runoff has the potential to contribute pollutants to the storm water conveyance system and ultimately to the ocean. The quality of storm water could be negatively affected by transported sediment, parking lot runoff.

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: Implementation of Final EIR Mitigation Measures WQ-1 and WQ-2 will reduce the impact to a level less than significant.

7. PUBLIC SERVICES

Significant Impact: The Proposed Project does not exceed the capacity of existing LACFD services and would not require provision of new or physically altered facilities to maintain service ratios. A Fire Access Plan has been submitted to and approved by the Los Angeles County Fire Department. Based on the Fire Department's initial review, no adverse impacts associated with fire protection and life safety requirements have been identified. Specific fire and life safety requirements will be addressed and conditions set at the building and fire plan check phase. Once the official plans are submitted for review there may be additional requirements. Therefore, impacts related to increased demands for fire protection services would be potentially significant, unless mitigated.

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: Implementation of Final EIR Mitigation Measures WQ-1 and WQ-2 will reduce the impact to a level less than significant.

8. UTILITIES

Significant Impact: The Project would increase the wastewater generated within the Project site. As shown in Table 4.12-4 the proposed net increase in water demand for the Proposed Project is estimated to be approximately 10,115 gallons per day (gpd).

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: Implementation of Final EIR Mitigation Measures PU-1 through PU-6 will reduce the impacts to a level less than significant.

B. Project-Level Impacts Determined to be Significant, Unavoidable and Mitigated to the Maximum Feasible Extent

The Final EIR identifies project-level impacts in the resource area of Construction Noise that cannot be fully mitigated and are therefore considered unavoidable. To the extent the impacts remain significant and unavoidable, such an impact is acceptable when weighed against the overriding social, economic, legal, technical and other considerations, including beneficial effects of the Project, which are described in the Statement of Overriding Considerations in Section 4.

1. CONSTRUCTION NOISE

Significant Impact: Construction of the Proposed Project would require the use of heavy equipment for the demolition of the existing on-site structures, grading/site preparation, installation of new utilities, and building fabrication for the proposed development. Development activities would also involve the use of smaller power tools, generators, and other sources of noise. During each stage of development, a different mix of equipment would be operating and noise levels would vary based on the amount of equipment in operation and the location of the activity. Typical outdoor construction noise during the heavier initial periods of excavation and grading can reach up to 86 dBA Leq when measured at a reference distance of 50 feet from the center of construction activity. The sensitive noise receptors are identified as patrons of the Malibu Public Library, located east of the Project Site within the Civic Center, and the residential homes on Harbor Vista Drive and Colony View Circle, to the north of the Project Site. The Project's construction noise impacts would exceed the maximum allowable exterior noise levels for non-transportation sources at the County Public Works building, the Malibu Public Library, and Legacy Park. The proposed Project's construction noise impacts would be considered a significant impact on a short term and intermittent basis during the construction period.

Operational noise impacts resulting from vehicle traffic, special event noise, and use of rooftop mechanical equipment on the proposed structures would be potentially significant. However, implementation of Final EIR Mitigation Measures N-1 through N-7 would reduce impacts to a less than significant level.

Finding: Impacts from the Project's construction noise impacts are reduced by identified mitigation measures but cannot be mitigated to a less than significant level. The Project's single area of adverse environmental effect, which cannot be mitigated below a level of significance, is temporary in nature and will cease upon completion of construction. Furthermore, the uses temporarily impacted by the short-term construction noise include the exterior areas surrounding the County Public Works building, the

Malibu Public Library, and Legacy Park; construction noise levels would not exceed the thresholds applicable for the existing residential land uses to the north. The Planning Commission finds that, to the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations in Section 4.

Facts in Support of Finding: Implementation of Final EIR Mitigation Measures N-1 through N-7 is required to address construction noise; however, this issue will remain significant and unavoidable during the construction phase of the Project. The aforementioned mitigation measures indicate that the identified significant effects of the Project have been reduced or avoided to the extent feasible.

C. Cumulative Impacts Associated with the Project which Remain Potentially Significant and Unavoidable.

The Final EIR concludes that all cumulative impacts associated with the Project would be less than significant without mitigation or less than significant after implementation of the required mitigation measures. Significant and unavoidable construction noise impacts would only occur during construction and were considered temporary. Given this temporary condition, cumulative construction noise impacts were considered less than significant.

Section 4. Statement of Overriding Considerations.

The Planning Commission has: (i) independently reviewed the information in the final EIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the proposed project to the extent feasible by adopting Mitigation Measures N-1 through N-7 as identified in the EIR; and (iii) balanced the project's benefits against the project's significant unavoidable construction-related noise impacts. The Planning Commission finds that each of the following benefits is an overriding consideration independent of the other benefits, which warrants approval of the project notwithstanding the project's significant and unavoidable construction noise impacts. The Planning Commission finds that specific economic, social, or other considerations make infeasible additional mitigation and, pursuant to PRC §21081(a)(3), hereby adopts a Statement of Overriding Considerations for this impact which it determines as acceptable. Any one or a combination of these specific community benefits from construction of the Santa Monica College Malibu Campus Project would outweigh the unavoidable environmental impacts:

1. The Project will ensure that the Santa Monica Community College District can provide a satellite campus centrally located in the City of Malibu on a long-term basis to serve the local community's needs for the types of educational programming offered by the College and will restore the College's presence in Malibu by expending Measure S general obligation bond proceeds for the purposes of establishing a permanent satellite campus in the City of Malibu as approved by the voters of the cities of Malibu and Santa Monica.
2. The Project will allow the Santa Monica Community College District to meet the educational needs for emeritus and community college classes in the Malibu community

consistent with the Santa Monica College Facilities Master Plan for Education (2004 Update) goals and policies with respect to acquiring, planning, developing, and maintaining facilities and equipment to provide the best possible educational environment.

3. The Project will allow the Santa Monica Community College District to construct a new, modern, attractive, safe, energy efficient, low-scale, useful educational facility to be used by the Santa Monica College as a satellite campus, to house sufficient community college classrooms and educational support facilities to meet the existing and Projected needs of the Malibu community for the next 95 years.
4. The Project will incorporate and achieve the sustainable building standards of Santa Monica College within a new building that will be Leadership in Energy and Environmental Design (LEED) certified and will promote efficiencies in water and energy use, feature a green roof, reduce stormwater runoff, treat stormwater runoff from the reconstructed surface parking lot, control night-sky light pollution from the Project site, incorporate native plants into the campus landscaping, and maximize the building's operational efficiency by providing a passive air ventilation and circulation system.
5. The Project will provide opportunities for an interpretive center that would support Legacy Park and/or other programs to highlight Malibu's coastal environment and cultural history.
6. The Project will redevelop and reactivate an underutilized portion of the Civic Center owned by the County of Los Angeles, and establish (in place of a long-abandoned Sheriff's Station) an institutional land use that would complement and expand upon the existing public services that are currently provided within other portions of the Civic Center.

Having adopted all feasible mitigation measures and recognized the all unavoidable significant impacts, the Planning Commission hereby finds that each of the separate benefits of the proposed project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the project and outweighs and overrides its unavoidable significant effects, and thereby justifies the approval of the Santa Monica College Malibu Campus Project.

Section 5. General CEQA Findings.

Based on the foregoing findings and the information contained in the record, the Planning Commission finds that:

- A. In accordance with CEQA Guidelines Sections 15091 and 15093, the EIR includes a description of each potentially significant impact and rationale for finding that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as detailed in Section 3.

B. In accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091, changes and alterations have been required and incorporated into the Santa Monica College Malibu Campus Project and related entitlements which avoid or substantially lessen the significant environmental effect because feasible mitigation measures included in the MMRP, Exhibit A to this resolution, are made conditions of approval for this Project.

C. The remaining significant effect on the environment found to be unavoidable is acceptable due to the factors described in the Statement of Overriding Considerations above.

D. The Final EIR for this Project is adequate for use by the Planning Commission and City in addressing this project.

E. The Planning Commission has reviewed and considered the Final EIR prepared by the Board of Trustees, the lead agency, in reaching its conclusion.

Section 4. Alternatives Analysis.

Based upon the testimony and other evidence received, and upon studies and investigation made by the Planning Commission and on its behalf, the Planning Commission further finds that the Final EIR analyzes a reasonable range of Project alternatives. The alternatives in the Final EIR are as follows:

- A. No Project – The No Project Alternative would be the result of not approving the Proposed Project. Under this scenario, the existing Sheriff Station building and communications tower would remain in place and no further development or improvements would occur on-site in the foreseeable future. The existing former Sheriff's Station would remain vacant. The No Project Alternative would completely avoid the anticipated construction impacts that would occur with implementation of the proposed Project. However, this alternative would fail to meet any of the Project Applicant's stated objectives.

Objective 1: To secure an interest in real property in the City of Malibu to ensure the District can provide a satellite campus centrally-located in Malibu on a long-term basis to serve the local community's needs for the types of educational programming offered by the College.

The No Project Alternative would not meet this objective. Under this alternative, no satellite community college campus development would take place on the Project site.

Objective 2: To restore the College's presence in Malibu by faithfully expending Measure S general obligation bond proceeds for the purpose of establishing a permanent satellite campus in the City of Malibu as approved by the voters of the cities of Malibu and Santa Monica.

The No Project Alternative would not meet this objective. Under this alternative, no satellite community college campus development or expenditure of Measure S general obligation bond proceeds would occur.

Objective 3: To meet the educational needs for emeritus and community college classes in the Malibu community consistent with the Santa Monica College Facilities Master Plan for Education (2004 Update) goals and policies with respect to acquiring, planning, developing and maintaining facilities and equipment to provide the best possible educational environment and promote the use of sustainable resources.

The No Project Alternative would not meet this objective. Under this alternative, an educational facility would not be constructed in accordance with the Santa Monica College Facilities Master Plan.

Objective 4: To construct a new, modern, attractive, safe, energy efficient, low-scale, useful educational facility to be used by Santa Monica College as a satellite campus.

The No Project Alternative would not meet this objective. No new modern, attractive, safe, energy efficient, low-scale, and educational facility would be constructed.

Objective 5: To construct a building that will house sufficient community college classrooms and educational support facilities to meet the existing and Projected needs of the Malibu community for the next 95 years.

The No Project Alternative would not meet this objective. This alternative would not provide sufficient community college classrooms and educational support facilities to meet the existing and projected needs of the Malibu community for the next 95 years.

Objective 6: To incorporate and achieve the successful sustainable building standards of Santa Monica College within a new building that will be LEED ® certified and will, among other things, promote efficiencies in water and energy use, feature a green roof, reduce stormwater runoff, treat stormwater runoff from the reconstructed surface parking lot, control night-sky light pollution from the Project Site, incorporate native plants in Project landscaping, and maximize the building's operational efficiency by providing a passive air ventilation and circulation system.

The No Project Alternative would not meet this objective. The existing facilities that would remain would not achieve the LEED sustainable building standards or promote efficiencies in water and energy use, feature a green roof, reduce stormwater runoff, treat stormwater runoff from the reconstructed surface parking lot, control night-sky light pollution from the Project Site, incorporate native plants in Project landscaping, and maximize the building's operational efficiency by providing a passive air ventilation and circulation system.

Objective 7: To establish a satellite campus in Malibu that will accommodate all of its parking needs and the Sheriff's parking needs on-site.

The No Project Alternative would not meet this objective. Under this alternative, sufficient parking for all existing on-site uses would not be provided.

Objective 8: To benefit the Malibu community by facilitating the County's desire to better serve the residents of Malibu by: (a) updating the County's existing antiquated emergency

communications tower with a modern monopole support tower, (b) incorporating a police substation into the ground floor of the new educational building for use by the Los Angeles County Sheriff's Department, and (c) designing and constructing a classroom or multi-purpose room in a way that facilitates its occasional temporary conversion into an emergency operations center.

The No Project Alternative would not meet this objective. Unlike with the proposed Project, no new communication facilities would be constructed, no new police facilities would be constructed, and no new temporary emergency operations center facilities would be constructed.

Objective 9: To redevelop and reactivate an underutilized portion of the Civic Center owned by the County of Los Angeles, and establish (in place of a long-abandoned Sheriff's Station) an institutional land use that would complement and expand upon the existing public service that are currently provided within other portions of the Civic Center.

The No Project Alternative would not meet this objective. Under this alternative the Sheriff's station would not be constructed and public services would therefore not be expanded.

Objective 10: To provide opportunities for an interpretive center that would support Legacy Park and/or other programs to highlight Malibu's unique coastal environment and cultural history.

The No Project Alternative would not meet this objective. Under this alternative, opportunities for a Legacy Park interpretive center would not be created.

Objective 11: To augment funding for a new water quality treatment facility in the Malibu Civic Center for effluent and stormwater consistent with the requirements of the Regional Water Quality Control Board.

The No Project Alternative would not meet this objective. This alternative would not provide new water quality treatment facilities on-site, consistent with the requirements of the Regional Water Quality Control Board.

The Planning Commission finds that the No Project Alternative is infeasible because it would not meet any of the Project objectives.

- B. Zoning Compliant Alternative – This Alternative would consist of redesigning the proposed Project to fully conform to the Malibu Zoning Code and LCP for purposes of avoiding the variances that are currently being requested. The height of the structure would be reduced to 28 feet to conform to the height limit of the Institutional zone and the Project would be redesigned to accommodate the required parking spaces in conformance with the City's parking stall dimensions. Under this scenario, the new building would be a single-story community college facility with approximately 18,730 square feet of floor area including an approximate 4,230 square foot Sheriff's Substation. Under this scenario the communications tower would remain in place and would not be upgraded.

This alternative was evaluated for the same impact categories as the proposed Project and was found to have incrementally reduced impacts when compared to the proposed Project. This Alternative would meet some of the Project's stated objectives; however it would meet the project objectives to a lesser extent than the proposed Project.

Objective 1: To secure an interest in real property in the City of Malibu to ensure the District can provide a satellite campus centrally-located in Malibu on a long-term basis to serve the local community's needs for the types of educational programming offered by the College.

The Zoning Compliant Alternative would provide approximately 75% of the educational facility floor area compared to the proposed Project and 158 FTE students compared to 210 FTE students proposed as part of the Project. Opportunities for the Legacy Park interpretive center would also not be created, which would reduce opportunities to celebrate Malibu's coastal environment and cultural heritage. As a result, this alternative would provide fewer educational programming opportunities in the area.

Objective 2: To restore the College's presence in Malibu by faithfully expending Measure S general obligation bond proceeds for the purpose of establishing a permanent satellite campus in the City of Malibu as approved by the voters of the cities of Malibu and Santa Monica.

The Zoning Compliant Alternative would construct approximately 25 percent less square footage dedicated to educational facilities (18,730 square feet). The Sheriff Substation would be reconstructed, although its size would also be reduced by 25 percent. The updated communication tower would not be constructed and the existing facility would remain in place. As a result, this Project alternative would be less desirable from an educational and emergency response point of view in that fewer classroom spaces and educational programs could be provided and the emergency response infrastructure would not be updated.

Objective 3: To meet the educational needs for emeritus and community college classes in the Malibu community consistent with the Santa Monica College Facilities Master Plan for Education (2004 Update) goals and policies with respect to acquiring, planning, developing and maintaining facilities and equipment to provide the best possible educational environment and promote the use of sustainable resources.

The Zoning Compliant Alternative would partially meet this objective, in that new educational facilities will be constructed. However, the reduced building size, alternative building design, and elimination of enhanced emergency response infrastructure would reduce the degree to which this alternative would comply with the Santa Monica College Facilities Master Plan goals and policies.

Objective 4: To construct a new, modern, attractive, safe, energy efficient, low-scale, useful educational facility to be used by Santa Monica College as a satellite campus.

The Zoning Compliant Alternative would partially meet this objective; however, the reduced size of the project would reduce the degree of energy efficiency and the usefulness of the educational facility for the next 95 years.

Objective 5: To construct a building that will house sufficient community college classrooms and educational support facilities to meet the existing and Projected needs of the Malibu community for the next 95 years.

The Zoning Compliant Alternative would partially meet this objective, in that new community college classrooms and educational support facilities would be constructed. However, the 25 percent reduction in educational floor area may not meet the needs of the Malibu community for the next 95 years.

Objective 6: To incorporate and achieve the successful sustainable building standards of Santa Monica College within a new building that will be LEED ® certified and will, among other things, promote efficiencies in water and energy use, feature a green roof, reduce stormwater runoff, treat stormwater runoff from the reconstructed surface parking lot, control night-sky light pollution from the Project Site, incorporate native plants in Project landscaping, and maximize the building's operational efficiency by providing a passive air ventilation and circulation system.

The Zoning Compliant Alternative would partially meet this Project objective in that it would provide a level of compliance with sustainable building standards and would likely achieve efficiencies in water and energy use. However, a 25 percent reduction in floor area would reduce the degree to which the facility could promote efficiencies in water and energy use and passive air ventilation and circulation systems.

Objective 7: To establish a satellite campus in Malibu that will accommodate all of its parking needs and the Sheriff's parking needs on-site.

Similar to the proposed Project, the Zoning Compliant Alternative would provide the requisite amount of on-site parking spaces. The parking requirement for this alternative would be 134 spaces for the college uses and 10 spaces for the Sheriff's department for a total of 144 parking spaces.

Objective 8: To benefit the Malibu community by facilitating the County's desire to better serve the residents of Malibu by: (a) updating the County's existing antiquated emergency communications tower with a modern monopole support tower, (b) incorporating a police substation into the ground floor of the new educational building for use by the Los Angeles County Sheriff's Department, and (c) designing and constructing a classroom or multi-purpose room in a way that facilitates its occasional temporary conversion into an emergency operations center.

The Zoning Compliant Alternative would partially meet this Project objective by incorporating the police substation into the ground floor of the education building and designing classrooms that could facilitate conversion into the emergency operations center. However, this Project alternative would not enhance emergency communications to the degree proposed by the proposed Project because the existing antiquated communication tower would remain in place.

Objective 9: To redevelop and reactivate an underutilized portion of the Civic Center owned by the County of Los Angeles, and establish (in place of a long-abandoned Sheriff's Station) an institutional land use that would complement and expand upon the existing public service that are currently provided within other portions of the Civic Center.

The Zoning Compliant Alternative would redevelop and reactivate the underutilized portions of the Civic Center area by developing an institutional land use along with the integration of a Sheriff's substation within the ground floor.

Objective 10: To provide opportunities for an interpretive center that would support Legacy Park and/or other programs to highlight Malibu's unique coastal environment and cultural history.

The Zoning Compliant Alternative would not provide the Legacy Park interpretive center. As a result, this alternative would provide fewer opportunities for students and community members to learn about Malibu's unique coastal environment and cultural history.

Objective 11: To augment funding for a new water quality treatment facility in the Malibu Civic Center for effluent and stormwater consistent with the requirements of the Regional Water Quality Control Board.

The Zoning Compliant Alternative would include the same general construction of a new educational facility in a similar size and placed a similar location. As such, the Project's water quality impacts would be the same as analyzed under the Project and will not substantially degrade local water quality, alter existing drainage patterns, or substantially or substantially deplete groundwater supply. Therefore, it was concluded that this Project alternative would be consistent with the requirements of the Regional Water Quality Control Board, similar to the proposed Project.

The Planning Commission finds that The Zoning Code Compliant Alternative will not meet the Project objectives to the same extent as the proposed Project, and that the proposed Project provides a more desirable configuration of institutional land uses and a more aesthetically pleasing environment.

- C. The Preferred Alternative - This alternative is described in detail throughout the associated staff report and Final EIR as the proposed Project. The proposed Project does reduce significant impacts through the implementation of mitigation measures and meets the Project objectives described above to the greatest extent. The Final EIR provides substantial evidence that the proposed Project will result in no significant impact to Agricultural Resources, Biological Resources, Mineral Resources, Population/Housing, Public Services (schools, parks, and other public facilities). With regard to the remaining environmental subject areas (Aesthetics, Air Quality, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazardous Materials, Hydrology and Water Quality, Noise, Public Services (Police and Fire Protection), Transportation (Traffic), and Public Utilities), any impacts posed by the proposed Project are less than significant with the implementation of mitigation measures. Construction noise impacts were found to be significant and unavoidable; however, they will be temporary in nature, during the construction phase and minimized to

the extent feasible by Final EIR Mitigation Measures N-1 through N-7.

Based on substantial evidence in the record, the Planning Commission finds that the No Project Alternative and the Zoning Compliant Alternative are environmentally superior to the proposed Project. However, neither the Zoning Compliant Alternative nor the No Project Alternative is feasible because they do not satisfy the Project objectives to provide sufficient community college classrooms and educational support facilities to meet the existing and Projected needs of the Malibu community for the next 95 years, to update the County's existing emergency tower with a modern monopole support tower, and to sufficiently incorporate a police substation on the ground floor for use by the Los Angeles County Sheriff's Department.

Section 6. Approval of Entitlements.

Based on substantial evidence contained within the record and pursuant to Sections 13.7(B) and 13.9 of the Malibu LCP Local Implementation Plan (LIP), the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 13-056, , Variance (VAR) Nos. 13-045, 14-034, and 14-035, Conditional Use Permit (CUP) No. 13-011 and Demolition Permit (DP) No. 13-028 for the demolition of the existing 16,603 square foot building, with a 7,279 square foot basement and a portion of existing the arcade, and construction of a new two-story, 35 foot high, 25,310 square foot educational facility that includes a 5,640 square foot sheriff substation, for a proposed floor area ratio (FAR) of 0.20, reconstruction of the parking area, hardscape and landscaping, grading and retaining walls, lighting and utilities; and, relocation and replacement of the existing 70 foot high communication tower with a 75 foot high communication tower, within the westerly 2.94 acre lease area within the 9.18 acre Los Angeles County Civic Center parcel; including a conditional use permit for an educational facility use in the Institutional (I) zoning district and variances for landscaping, parking space size, and an increase in the maximum height of 18 feet to 35 feet, 10 inches for the building and 75 feet for the communications tower; and 2) recommending that the City Council approve the .20 FAR for the significant public benefits provided by the project, located in the I zoning district at 23525 Civic Center Way.

LIP Section 13.9 requires that the following four findings be made for all CDPs. The required findings are be made as follows.

A. General Coastal Development Permit (LIP Chapter 13)

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

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

The proposed project is located in an area designated by the General Plan Land Use Map and the Zoning Map as institutional. Governmental facilities, such as the new sheriff substation and EOC, are allowable uses, while emergency communications facilities and public educational institutions are allowed with a CUP.

The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Reviewer, City Public Works Department, City geotechnical

staff, WD29, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as revised and conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals and policies, and meets all applicable institutional development standards, with the inclusion of the requested VARs, and approval of the additional gross floor area (FAR) to .20 by the City Council.

Additionally, the conditional use permit has been reviewed for compliance with MMC Section 17.66.080 and the demolition permit has been reviewed for conformance with MMC Section 17.70.

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

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

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

As described in Chapter 6 of the EIR, three project alternatives to the proposed project were considered: 1) no project, 2) zoning compliant alternative, and 3) environmentally superior alternative. According to the CEQA Guidelines Section 15064(d), "In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project."

Based on substantial evidence in the record, the Planning Commission finds that a reasonable range of feasible alternatives was evaluated in Chapter 6 of the Final EIR, and that the No Project Alternative and the Zoning Compliant Alternative are environmentally superior to the proposed Project. However, neither the Zoning Compliant Alternative nor the No Project Alternative is feasible because they do not satisfy the Project objectives to provide sufficient community college classrooms and educational support facilities to meet the existing and Projected needs of the Malibu community for the next 95 years, to update the County's existing emergency tower with a modern monopole support tower, and to sufficiently incorporate a police substation on the ground floor for use by the Los Angeles County Sheriff's Department.

No Project Alternative: The No Project Alternative would completely avoid the anticipated construction impacts that would occur with implementation of the proposed project. However, this alternative would fail to meet any of the project applicant's stated objectives.

Code Complying Alternative: The Code Complying Alternative would consist of redesigning the proposed project to fully conform to the Malibu Zoning Code and LCP for purposes of avoiding the variances, and the communications tower would remain in place and would not be upgraded. The project would still include the demolition and construction of the new building. The footprint of the overall project and the impacts would be substantially identical. However, this alternative would fail to meet the project applicant's stated objectives. The Zoning Compliant Alternative would construct approximately 25 percent less square footage dedicated to educational facilities. The Sheriff Substation would be reconstructed, although its size would also be reduced by 25 percent. The updated

communication tower would not be constructed and the existing facility would remain in place. As a result, this Project alternative would be less desirable from an educational and emergency response point of view in that fewer classroom spaces and educational programs could be provided and the emergency response infrastructure would not be updated.

Proposed Project: The proposed project has only incrementally greater impacts when compared to the zoning compliant alternative. The project as proposed provides superior benefits to the community in comparison to the zoning compliant alternative because it can serve 210, instead of 158 FTE students, house a larger Sheriff substation, incorporate natural ventilation systems based upon the proposed height of the structure, and it includes the installation of enhanced emergency response infrastructure. The proposed project meets the project's state objective and complies with the Santa Monica College Facilities Master Plan goals and policies.

Therefore, the proposed project is considered the least environmentally damaging feasible alternative.

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

The subject property is not in a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. Therefore, Environmental Review Board review was not required, and this finding does not apply.

B. Variance for Building Height (LIP Section 13.26.5)

Pursuant to LIP Section 13.26.5, the Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes the following findings of fact. Pursuant to LIP 3.9(A)(1), structures in the Institutional zone are limited to 18 feet in height, but the height may be increased to 28 feet, for a flat or pitched roof, with a site plan review. Flagpoles, elevator shafts, stairwells, church spires, and belfries are also limited to 18 feet in height, but may be increased up to a maximum of 35 feet in height with a site plan review. The findings for VAR No. 13-045 to allow portions of the roof to reach a height of 35 feet, 10 inches are made as follows.

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

There are special circumstances and exceptional characteristics applicable to the subject property and use. The project site is unique in that it consists of an irregularly shaped ground lease area out of a larger County-owned parcel it and is constrained by the existing development remaining on site, outside of the lease area. The proposed use of a community college facility is also unique, and it will be constructed in the footprint of the demolished former Sheriff substation., and the proposed use itself as a college facility.

The construction of the classrooms and the lecture hall requires adequate ceiling height to function properly, and must comply with the design and specifications promulgated by the Division of State Architects (DSA). Additionally, the project incorporates a natural ventilation system to be environmentally sustainable and to provide a healthier learning environment. The natural ventilation system is a functional element of the construction. The vaulted and sloped roof is required for the shading, venting and air circulation necessary for this operation of this system. When the institutional standards for height were developed, they did not contemplate the unique requirements for an institution of higher learning (such as high ceilings to accommodate lecture halls and projection screens). Without the proposed variance, the college would be deprived of functional elements essential for the project to operate as intended. The building remains a two-story building and as demonstrated in the diagram in Attachment 7 to the agenda report, as well as the diagram provided by the applicant during the hearing that highlighted the areas above 35 feet in light blue, the roofline has a wave configuration, with only portions of it exceeding 28 feet, and only 0.3 percent of the roofline reaching the height limit of 35 feet, 10 inches allowed by the variance. Therefore, the variance is limited to the height needed to comply with classroom regulations and to allow the ventilation system to function.

Other buildings in the Civic Center complex range from approximately 15 to 26 feet tall. The existing buildings on the site, to remain, are 25.5 feet in height. The approved La Paz commercial shopping center project located on the parcel immediately to the east, permitted structures 32 feet in height pursuant to a development agreement. The proposed project will not significantly vary from other structures in the vicinity. The vast majority of the proposed roof will slope downward and below the 35 foot height limit enjoyed by other properties in the Institutional Zone for elevator shafts, church spires and other functional and decorative features delimited in LIP 3.9(A)(1)(b).

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

The granting of the variance will not be detrimental to the public's interest, safety, health or welfare. The City Biologist, City Environmental Health Reviewer, City geotechnical staff, City Public Works Department and LACFD have reviewed the proposed project and determined it is consistent with all applicable safety, health and welfare regulations and policies, as conditioned.

Story poles were placed on the site in February 2016 to evaluate the proposed project. Based upon site inspection, review of permitting history for the surrounding development, review of the City GIS and property survey, the proposed project is compatible with the development in the vicinity. The story poles demonstrate that the requested height would not obstruct or interfere with any existing scenic views, or create shadows upon adjacent properties that would be detrimental or injurious to adjacent properties. Residential properties to the north are located at a significantly higher elevation (160 feet above mean sea level) than the project site (23 feet above msl); therefore, no primary view obstruction will occur.

The project provides a sufficient side yard setback from the western property line to ensure shadows would not adversely affect future development on that site. The proposed project will not be detrimental to other properties in the vicinity.

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

The granting of the height variance will not constitute a special privilege because it is necessary for this unique use and environmental upgrades required by Santa Monica College to reach the equivalent of the Silver Leadership in Energy and Environmental Design (LEED) standard. This property is also unique in that it is zoned institutional, while the surrounding properties are zoned commercial. As discussed in Finding B1, the increased height is not a special privilege but is rather needed because higher ceilings are required for classrooms and lecture halls, and the slope and height of the roof is essential for the function of the environmentally superior natural ventilation system incorporated into the design of the building. While not required by minimum City code, the Planning Commission finds such a design is appropriate for an institution of higher learning to set an example by using advanced technology. The height variance is only for limited portions of the roof and only extends 10 inches above the 35 foot limit imposed on other properties in the institutional zone for elevator shafts, belfries, safety railings, stairwells, church spires and other features specified in LIP 3.9(A)(1)(b).

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

The granting of the variance will not be contrary to or in conflict with the general purposes and intent, nor the goals, objectives and policies of the LCP and General Plan. The proposed roofline/ventilation system will be visually similar to the other features allowed at the 35 foot height by the institutional standard detailed in LIP 3.9(A)(1). The project will not have a solid flat 35 foot high roofline; rather, only the peaks of the “waves” of the roofline will reach 35 feet, 10 inches, similar to the way only the top of an elevator shaft, belfry or church spire would reach that height. As conditioned, the proposed project is consistent with applicable LCP goals and policies.

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

The requested variance is not associated with ESHA or ESHA buffer protection standards. Therefore, this finding is not applicable.

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

The requested variance is not associated with stringline standards. Therefore, this finding is not applicable.

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

The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the institutional zoning designation. Public educational facilities are a

conditionally permitted use in this zone.

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

The project site is physically suitable for the proposed variance in that the additional height proposed will not adversely impact adjacent properties or surrounding uses by virtue of view blockage or shadow. The project is compatible with the surrounding area in that buildings at the Civic Center complex have a comparable height to the proposed SMC building.

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

The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with the Division of State Architect building code requirements for colleges and will incorporate all recommendations from applicable City and County agencies and project consultants.

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

The requested variance does not involve the reduction or elimination of public parking for access to the beach, public trails or parklands; therefore, this finding does not apply.

C. Variance for Emergency Communication Tower Height over 28 feet (LIP Section 13.26.5)

The proposed emergency communication tower will exceed the maximum allowable height of 28 feet, pursuant to LIP Section 3.16.5(E), for an overall height of 75 feet. The evidence in the record supports VAR No. 14-035 for an increase in height and findings of fact are made as follows.

Finding C1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

The project site is zoned I and includes the redevelopment of a portion of the County Civic Center complex with the Santa Monica College, Los Angeles County Sheriff's sub-station and a replacement emergency communication tower. The communication tower is an important component to the Los Angeles Sheriff's sub-station as well as City of Malibu for providing a critical public safety communication radio coverage for the County's first responders. It is important that the County's first responders are equipped with a reliable communication system particularly during wildfires and other natural disaster. For these reasons, the proposed project includes a replacement tower.

The increased height of the proposed communication tower is necessary to support additional wireless transmission apparatuses and antennas on a single pole. Although the proposed communication tower is requesting a variance to have a height of 75 feet, 47 feet above the height allowed by the LIP. The existing tower does not appear to significantly hinder any views and is anticipated that the new tower will not either as it is a slimmer monopole design, and the increase in height will likely not be in the line-of-sight of impressive scenes. Given the unique circumstances of the need for an emergency

communication tower and the necessary height to provide a reliable connection to outside facilities, the strict application of the code would deprive the community of necessary safety protection.

Finding C2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

The purpose of the new monopole tower is to maintain and improve public safety, health, and welfare with emergency communications into the future. The granting of the requested height variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zones in which the property is located. The requested height variance will not significantly obstruct or interfere with any existing scenic views and will replace an existing lattice communication tower that is less aesthetically pleasing. The proposed tower is an essential safety element for the Los Angeles County and City safety and emergency operations. The proposed monopole is located on the same property where the existing lattice tower exists, and has co-existed with the existing helipad on the Civic Center complex site for decades. Therefore, no adverse impacts to the surrounding properties are anticipated as a result of the proposed tower replacement.

Finding C3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

The subject parcel is unique in that a communication tower currently exists and is in use onsite. As such, the replacement tower will not constitute a special privilege to the property owner. The proposed communication tower is improving the current, outdated tower and moving the tower approximately 10 to 20 feet to the east. The project is unique and different from other properties and land uses in the Civic Center area in that it will consist of City and County public safety facilities and a community college campus. The proposed communication tower height of 75 feet above grade (five feet above the current communication tower) will provide extra space for the addition of new safety and communication equipment throughout the monopole's lifetime, which prolongs the tower's operational timeframe and prevents overcrowding of equipment.

Finding C4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of MMC Chapter 17.72, nor to the goals, objectives and policies of the General Plan.

The proposed variance is consistent with the MMC Chapter 17.72 and, as later discussed in Finding C8, the proposed emergency communication tower furthers the goals of the General Plan.

Finding C5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

The requested variance is not associated with ESHA or ESHA buffer protection standards. Therefore, this finding is not applicable.

Finding C6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The requested variance is not associated with stringline standards. This finding is not applicable.

Finding C7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The proposed variance is for relief from a specific development standard and does not authorize a use that is not already established on the subject parcel. The proposed project involves the installation of a freestanding monopole that would replace a lattice tower. MMC Section 17.34.030(L) permits emergency communication and service facilities with a conditional use permit. A CUP has not previously been approved for the use, and as such it is legal non-conforming. The project is conditioned to obtain a CUP to legalize the use prior to construction of the replacement tower.

Finding C8. The subject site is physically suitable for the proposed variance.

The allowable height for wireless telecommunications antennas and facilities is 28 feet in height. LIP Section 3.14.6 requires that all monopoles be designed to the minimum functional height and width required to support the proposed antenna installation. The addition of five feet in height, compared to the current 70-foot lattice tower, provides flexibility to add new safety and communication equipment to the communication tower. The project site is suitable for the proposed variance in that it is a public institutional use, which will serve as part of the Santa Monica College and the County Sheriff Sub-Station. The Santa Monica College use is a conditionally permitted use in the Institutional zone, and the Los Angeles County Sheriff's sub-station is an established (though presently inactive) use on the property. The proposed monopole is replacing an existing communication tower, thus the site is physically suitable for the tower. Granting of the variance is not expected to have significant adverse visual or aesthetic impacts to adjacent properties.

Finding C9. The variance complies with all requirements of State and local law.

The variance complies with all applicable requirements of State and local law. The construction of pertinent improvements will comply with all relevant building code requirements, and will incorporate all recommendations from the City Public Works Department.

Finding C10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The requested variance does not involve the reduction or elimination of public parking for access to the beach, public trails or parklands.

D. Variance for Parking Space Size (LIP Chapter 13.26.5)

LIP Section 3.14.5(D)(7) specifies that standard parking stall dimensions shall be a minimum of 9 feet wide by 20 feet deep and compact spaces shall be 8 feet wide by 15.5 feet deep. VAR No. 14-034 is proposed to allow the project to comply with County specifications for standard size parking stalls (8.5

feet wide by 18 feet deep) and compact stalls (8 feet wide by 15 feet deep). The required findings are made as follows:

Finding D1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

Unique characteristics affect the project site in that the boundary of the ground lease area bisects the existing parking lot serving the County Civic Center complex. Without a variance for parking stall size, an inconsistency of drive aisles and widths would occur that would affect the function and safety of the parking lot. Strict application of the LIP standard parking stall size requirement would deny the applicant of the privilege of a functional parking lot that is enjoyed by other properties in the vicinity.

Finding D2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

The granting of the variance will not be detrimental to the public health, safety or welfare, and will not be injurious to properties or improvements in the vicinity. The parking lot is currently striped with spaces meeting County requirements and the parking lot functions appropriately.

Finding D3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

Granting the variance will not allow a special privilege to the applicant. The variance for parking space size will allow the parking stalls and resulting drive aisle widths within the lease area to be consistent with the rest of the County Civic Center parking lot.

Finding D4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

The granting of the variance will not be contrary to or in conflict with the general purposes and intent, nor the goals, objectives and policies of the LCP and General Plan. The project will provide the number of parking spaces required by the LIP. The parking lot has been striped according to County standards for many years and has functioned appropriately.

Finding D5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

The requested variance is not associated with ESHA or ESHA buffer protection standards. Therefore, this finding is not applicable.

Finding D6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The requested variance is not associated with stringline standards. Therefore, this finding is not applicable.

Finding D7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the institutional zoning designation. Public educational facilities are a conditionally permitted use in this zone.

Finding D8. The subject site is physically suitable for the proposed variance.

Without a variance for parking stall size, an inconsistency of drive aisles and widths would occur that would affect the function and safety of the parking lot. The project site is physically suitable for the proposed variance.

Finding D9. The variance complies with all requirements of State and local law.

The variance complies with all requirements of State and local law. The City Biologist, City Environmental Health Reviewer, City geotechnical staff, City Public Works Department and LACFD have reviewed the proposed project and found it consistent with applicable LCP goals and policies. Construction of the proposed improvements will comply with the Division of State Architect building code requirements for colleges and will incorporate all recommendations from applicable City and County agencies and project consultants.

Finding D10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The requested variance does not involve the reduction or elimination of public parking for access to the beach, public trails or parklands. By providing all the required parking onsite, public onstreet parking is preserved.

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

The Scenic, Visual and Hillside Resource Protection Ordinance governs those CDP applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. PCH and Malibu Canyon Road are LCP-designated scenic roadways and Legacy Park is a designated scenic area. The project site is at least partly visible from each locations, though the views from PCH and Malibu Canyon Road are partially obstructed. The site is also visible from upslope residential properties north of Civic Center Way. The findings of LIP Section 6.4 are made below.

Finding E1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

As discussed previously, story poles were installed on the project site to depict the location, height and mass of the project. A visual analysis of the project's visual impact from public viewing areas was conducted through site reconnaissance, a review of the story poles, architectural plans, visual simulations and an investigation of the character of the surrounding properties. Visual simulations and architectural renderings of the project site were prepared that incorporate proposed landscaping to illustrate how the site is expected to look at completion. Refer to Chapter 2 of the Draft EIR for a complete visual analysis, including site photos, visual simulations, and architectural renderings.

The project has been designed not to have significant adverse scenic or visual impacts. The project will redevelop a portion of the existing built-out Civic Center complex with a building that is in the same location as the former Sheriff Substation. Visibility of the site from designated scenic routes, including PCH and Malibu Canyon Road is highly limited and obscured by topography, vegetation, and existing development in the Civic Center Area. The site is visible from Legacy Park but development on the site would not result in the obstruction of any significant public scenic views (e.g. ocean, coastline, or Santa Monica Mountains). Native landscaping will be incorporated into the site to soften the appearance of structures.

LUP Policy 6.20 states "New development on properties visible from and inland of Pacific Coast Highway shall be sited and designed to protect public views of the ridgelines and natural features of the Santa Monica Mountains through measures including, but not limited to, restricting the building maximum size, reducing maximum height limits, clustering development, incorporating landscape elements..."

While not a commercial project, the proposed development meets the goals of this policy by incorporating a staggered roofline to reduce the bulk of the building and meets the height limit of the Institutional zone (with VAR No. 13-045). This would maintain views of the Santa Monica Mountains from Legacy Park and from public areas within the Civic Center. The proposed development has extensive native landscaping proposed, the height and bulk is similar to the rest of the Civic Center complex and does not obstruct public views of any significant ridgeline or the Santa Monica Mountains.

The project, as proposed, will have no significant adverse scenic or visual impacts due to the design or location of buildings and/or improvements on the site.

Finding E2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

As stated in Finding E1, the project will have no significant adverse scenic or visual impact. Mitigation Measure AES-4 calls for outdoor lighting to incorporate low-level fixtures and directional shields, consistent with the County's Rural Lighting District Ordinance. Standard conditions of approval require that colors and materials be used that blend with the natural environment and that lighting be minimized to the amount necessary for public safety in compliance with the LCP. As conditioned, the project complies with the LCP.

Finding E3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

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

Finding E4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

The proposed project does not pose any significant adverse impacts on scenic and visual resources. As discussed in Finding E1, the project will result in a less than significant impact on scenic and visual resources.

Finding E5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.

As discussed in Finding E1, the project as conditioned will have no significant adverse scenic and visual impacts.

F. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity. The project was analyzed for the hazards listed in LIP Section 9.2(A). The required findings of LIP Chapter 9 are made as follows:

Finding F1. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

The applicant submitted reports and addendums by GeoLabs Westlake Village. City Geotechnical staff and the Public Works Department reviewed the project plans and associated technical submittals and issued an approval for conformance with City geotechnical standards and LCP requirements. Standard conditions of approval will be included to require that all recommendations of the consulting Certified Engineering Geologist, Geotechnical Engineer and all the plan check stage comments of City Geotechnical staff shall be incorporated into all final design and construction plans, including foundations, grading, sewage disposal, and drainage.

In these reports, site-specific conditions were evaluated and recommendations were provided to address any pertinent issues. Based on extensive review of the above-referenced information, it has been determined that:

1. The buildout project service area is not located within an Alquist-Priolo Earthquake Fault Zone; therefore, it is unlikely that the project site will be impacted by active faulting or ground rupture; however, the Civic Center area is located in an area of high seismicity, generally.
2. The project site is within a Seismic Hazard Zone delineated as having potential for liquefaction as mapped by the California Geological Survey.

3. The potential hazards associated with landslides are less than significant.
4. The potential for a tsunami to impact the project site is considered low
5. The Project Site lies on the floodplain of Malibu Creek. Portions of the property are located within the Federal Emergency Management Agency's (FEMA's) 100 year flood zone.
6. The project site is in the vicinity of extreme fire hazard areas.

Ground-shaking / Seismicity – The project site is within the onshore portion of the Malibu Coast Fault Zone, which involves a broad zone of faulting and shearing as much as one mile in width. The Malibu Coast Fault is the most predominant feature within this broad deformation zone. Malibu Coast Fault's surface trace runs approximately 20 feet south of the project site. The Malibu Coast Fault may underlie the project site, although active faulting has not been recognized within or east of the Malibu Creek drainage.

The project area is in a seismically active area of Southern California and may experience severe shaking in the future from the Malibu Coast Fault and other nearby faults. While it is impossible to totally prevent structural damage to buildings and loss of life as a result of seismic events, adherence to all applicable building codes and regulations and site-specific engineering specifications can reduce such impacts to less than significant levels. If engineering studies using state-of-the-practice techniques are employed, the impacts from ground rupture can be accounted for with setbacks and foundation designs to accommodate several inches of movement. Surface rupture potential is considered low to moderate, and the impacts are considered less than significant. With the proper building construction and site preparation, risks are reduced. For this reason, Mitigation Measure GEO-1 would ensure that the proposed project would be constructed in accordance with the final geotechnical recommendations and the City of Malibu's General Plan (Safety and Health Element), and Local Coastal Program Land Use Plan.

Liquefaction - The project site is within a Seismic Hazard Zone delineated as having potential for liquefaction as mapped by the California Geological Survey. Groundwater underneath the project site ranges from six to twenty-three feet in depth. Historic high groundwater in the vicinity of the project site is found to be five feet below the surface. The northeast corner of the site contains underground seepage pits. The soils below the site have a low to high risk of liquefaction based on their Liquefaction Potential Index, and the site has the potential for liquefaction. The potential effects of liquefaction could include lateral spreading and seismically-induced settlement. On-site manifestations due to surface rupture, landslides, subsidence, expansive soils and settlement are expected to be relatively low risk. The proposed project would be constructed in accordance with the City and State Building Codes and would adhere to all modern earthquake standards, including those relating to soil characteristics. Construction of the proposed project would also comply with the requirements of the Division of the State Architect, which would assure safe construction, including building foundation requirements appropriate to site conditions. Implementation of Mitigation Measure GEO-1 would also ensure the Proposed Project would be constructed in accordance with the final geotechnical recommendations, Malibu's General Plan (Safety and Health Element), and Local Coastal Program Land Use Plan. Liquefaction is addressed in Section 4.4 Geology and Soils.

Tsunami Inundation Zone – The low point of the project site is 16± feet above mean sea level, therefore the potential for a tsunami to impact the project site is considered low.

Slope Instability – The project site is not immediately adjacent to any mountains or steep slopes, and the topography of the project site is relatively flat. The project site is not located in the City of Malibu designated areas of high susceptibility for landslides. In addition, the project site is not located within a Seismic Hazard Zone for earthquake-induced landsliding. Therefore, potential hazards associated with landslides would be less than significant.

FEMA Flood Hazard Zone – The nearest body of water is the Malibu Creek located approximately 1,300 feet east of the Project Site. The project site occupies a 100-year floodplain area. The eastern half of the project site is located within the Federal Emergency Management Agency's (FEMA) Special Flood Hazard Area (SFHA) Zone of AO. The project must comply with M.M.C. Chapter 15.20, which requires that all structures in Zone AO be elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FEMA Flood Insurance Rate Map (FIRM) by at least 1 foot, or elevated at least 3 feet above the highest adjacent grade if no depth number is specified. The proposed project includes the construction of a commercial structures with the proposed building pads raised three feet above the flood hazard elevation in order to meet FEMA and M.M.C. Floodplain Management requirements. Therefore, impacts would be less than significant.

Fire Hazard – The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. A Fire Access Plan has been submitted to and approved by the Los Angeles County Fire Department (See Appendix C of this Draft EIR). Based on the Fire Department's initial review, no adverse impacts associated with fire protection and life safety requirements have been identified. The project design includes a fuel modification plan and protective building construction measures including fire-retardant roofing; and the installation of fire sprinkler systems in all five buildings, and the provision of fire-safe landscaping, including the provision of a green roof over the sheriff substation portion of the project. Specific fire and life safety requirements will be addressed and conditions set at the building and fire plan check phase. The LACFD will review and approve a final fuel modification plan prior to issuance of grading/building permits.

Finding F2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As stated in Finding F1, the proposed project, as conditioned and approved by City Geotechnical staff, City Public Works Department and the LACFD, will not have any significant adverse impacts on the site stability or structural integrity from geologic, flood or fire hazards due to project modifications, landscaping or other conditions.

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

As stated in Finding A3, the proposed project is the least environmentally damaging alternative.

Finding F4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

As stated in Finding F1, the proposed project as designed, conditioned, and approved by the City Geotechnical staff, City Public Works Department and the LACFD, will not have any significant adverse impacts on the site stability or structural integrity of the proposed project.

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

As stated in Finding F1, the proposed project, as designed, conditioned, and approved by the City Geotechnical staff, City Biologist, City Public Works Department and the LACFD, will not have any significant adverse impacts on sensitive resources as enumerated by the LCP.

G. Conditional Use Permit for College Use (MMC Section 17.66.080)

Pursuant to MMC Section 17.66.080, the Planning Commission may approve, deny and/or modify an application for a conditional use permit, with or without conditions, provided that it makes all of the specific findings of fact. A conditional use permit is included with the application to allow for the operation of a public educational facility. CUP No. 13-011 can be supported based on the following findings.

Finding G1. The proposed use is one that is conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of Title 17 of the Malibu Municipal Code.

A public education facility is a conditionally permitted use in the Institutional zone pursuant to MMC Section 17.34.030(A) and LIP Table B (Permitted Uses). The project has been designed and conditioned to apply with all applicable provisions of the MMC and LIP with the associated entitlements.

Finding G2. The proposed use would not impair the integrity and character of the zoning district in which it is located.

The Institutional land use designation accommodates public and quasi-public facilities in the City, which includes educational, cultural, and governmental facilities. The proposed use is consistent with the permissible uses in the Institutional zone. The project will coexist with and be complementary to the other public and quasi-public uses existing and proposed on the site, including the proposed Sheriff's substation, the newly renovated public library, and County government offices. The currently vacant and abandoned building that served as the former Sheriff Station will be demolished and the conditional use permit will allow the site to be replaced with a vibrant college that will bring integrity and character to the zoning district, consistent with the purpose of the I land use designation. The proposed project will redevelop and reactivate the underutilized portions of the Civic Center area by developing an Institutional land use along with the integration of a Sheriff's substation within the ground floor. The proposed college facility will revitalize, not impair, the integrity and character of the I zoning district.

Finding G3. The subject site is physically suitable for the type of land use being proposed.

The proposed project has been reviewed by the appropriate City and County agencies, including the Public Works Department, City geotechnical staff and LACFD. Construction of the proposed project will comply with all building/safety code requirements and will incorporate all recommendations from applicable City, County and state agencies, including the required mitigation measures identified in the project's Final EIR. The site is currently improved with the former Sheriff Station building and is served by existing utilities and transportation infrastructure. The proposed project is located within Phase 1 of the State Water Board's wastewater discharge prohibition zone. Therefore, the project has been conditioned to connect to the CCWTF. Final occupancy for this project shall not be issued until the CCWTF is completed and operational and all onsite sewer connections to the new sewer laterals are completed. Therefore, the site is physically suitable for the college.

Finding G4. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

As previously discussed in Finding C2, the proposed location for the new college will occupy a location currently utilized by an abandoned former Sheriff Station, on a site currently utilized for a library and County government offices. The proposed building is entirely within the I land use designation, on a property that has housed public and quasi- public facilities since pre-Cityhood.

The proposed use will also be compatible with the surrounding commercial land uses and nearby residential areas shown on the City's adopted zoning map. The surrounding properties to the north, east and west are undeveloped and to the south is Legacy Park (a City-owned park). A commercial shopping center (La Paz) has been approved on the property to the east. The other surrounding undeveloped properties are zoned Community Commercial, and residential properties are located upslope, to the north. Mitigation Measure AES-4 calls for outdoor lighting to incorporate low-level fixtures and directional shields, consistent with the County's Rural Lighting District Ordinance. Standard conditions also require compliance with LCP standards limiting outdoor lighting to the minimum needed for public safety. All of these requirements serve to promote dark skies and prevent sky glow and glare impacts to upslope neighbors and the surrounding area. Furthermore, a TUP will be required for any outdoor amplified music events.

Finding G5. The proposed use would be compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located.

As previously discussed in Findings C2 and C4, the proposed use is compatible with existing and future land uses in the I zoning district and the City as a whole.

Finding G6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety and the project does not affect solar access or adversely impact existing public and private views, as defined by the staff.

As discussed in Finding C3, adequate provisions for water, sanitation, and public utilities and services are provided in the project scope. The project has been reviewed and approved by the City Environmental Health Administrator, City Public Works Department, and the LACFD.

Finding G7. There would be adequate provisions for public access to serve the subject proposal.

The proposed project has adequate public access. The project site takes access from a public street, Civic Center Way. The project will connect to adjacent sidewalks to promote walkability and will be accessible from nearby public bus transit stops (serving Metro Line 534). In addition, adequate onsite parking and access are being provided for the new college facility consistent with the parking use requirements for public educational facilities in the Institutional zone. Because there will be no distinction between the lease area parking for the college and the rest of the Civic Center complex, the parking study prepared for the project evaluated parking on a parcel-wide as well as project site (lease area) basis, and demonstrates that parking spaces provided comply with City requirements.

Finding G8. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan.

The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan. The proposed college is located in an area designated by the General Plan Land Use Map and the Zoning Map as institutional, which conditionally allows an educational use facility. As such, the proposed project is consistent with goals, objectives and policies of the General Plan.

Finding G9. The proposed project complies with all applicable requirements of state and local law.

As discussed in Finding C3, the project will comply with all applicable requirements of State and local law including, but not limited to, provisions of the California Building Code and Uniform Fire Code, and all applicable regulations and standards promulgated or imposed by any State or Federal agency.

Finding G10. The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.

As previously discussed in Finding A3, the proposed project is not anticipated to be detrimental to the public interest, health, safety, convenience, or welfare. Site lighting is required to meet the County's Rural Outdoor Lighting District Ordinance, which will protect against sky glow and offsite glare and promote dark skies.

Finding G11. If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

The proposed project is not anticipated to be at risk from earth movement, flooding, landslide, slippage, or settlement.

H. Demolition Permit Findings (MMC Section 17.70)

M.M.C. Section 17.70 requires that a demolition permit be issued for projects that result in the demolition of any structure. The project proposes the demolition of the existing sheriff substation and other existing improvements to make way for the new college/substation structure. Based on the evidence within the record, the Planning Commission approves DP No. 13-028.

Finding H1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.

Conditions of approval included in resolution that will ensure that the project will not create significant adverse environmental impacts.

Finding H2. A development plan has been approved or the requirement waived by the City.

The subject CDP is being processed concurrently with DP No. 13-028. Therefore, the demolition permit complies with MMC Section 17.70.

Section 8. Planning Commission Recommendation to City Council on .20 FAR

Pursuant to LIP Section 3.9(A)(3)(a), additional gross floor area may be approved by the City Council, up to the maximum allowed for the parcel under the LUP, where additional significant public benefits and amenities are provided as part of the project. Based on the following significant public benefits and amenities provided as part of the project, the Planning Commission recommends that the City Council approve the .20 FAR proposed for the project and allowed in the Institutional zone by the LUP:

- A public community college facility which will provide educational services of the local community;
- A sheriff substation that will provide more timely and increased service capacity, and will provide local support staffing for police services;
- An improved emergency communication tower;
- An interpretive center to support Legacy Park and/or other programs to highlight Malibu's unique coastal environment and cultural history;
- A multi-purpose room which will be available for community meetings; and
- An EOC center.

Section 9. Planning Commission Approval.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 13-056, VAR Nos. 13-045, 14-034, and 14-035, CUP No. 13-011, and DP No. 13-028, subject to the following conditions of approval.

Section 10. Conditions of Approval.

1. The applicants and property owners, and their successors in interest, shall indemnify, defend and hold harmless the City of Malibu and its elected and appointed officials, officers, employees and agents from and against any and all claims, actions, proceedings, liabilities and costs brought against the City and its elected and appointed officials, officers, employees and agents relating to the City's actions concerning this project, including but not limited to any proceeding under CEQA. This indemnification shall include (without limitation) damages, fees, and/or costs awarded against the City, cost of suit, attorney's fees, and any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and the property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project and the City's costs, fees, and damages that it incurs in enforcing the indemnification provisions set forth in this section.

2. The approved scope of work includes the demolition of the existing building, and construction of a new two-story, educational facility, that includes a sheriff substation, for a proposed floor area ratio (FAR) of 0.20, and removal and replacement of the existing emergency communication tower, as follows:
 - a. Demolition:
 - i. 16,603 square foot single-story square foot building, and 7,279 square foot basement (former Los Angeles County Sheriff's Substation); and
 - ii. A portion of the existing arcade and ancillary development within the lease area.
 - b. Construction:
 - i. A new two-story, 35 foot, 25,310 square foot educational facility that includes a 5,640 square foot of sheriff substation, for a proposed floor area ratio (FAR) of .20;
 - ii. Hardscape with 6,430 square feet of permeable coverage;
 - iii. Landscaping;
 - iv. Grading and retaining walls;
 - v. Lighting and utilities;
 - vi. Repair, repave and restripe existing parking lot;
 - vii. Outdoor amphitheater/terraced seating area; and
 - viii. Monument sign
 - c. Relocation and replacement of the existing 70 foot high lattice-style communication tower with a 75 foot high monopole communication tower.
 - d. Connection to the City's future Wastewater Treatment Facility.
3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted in plans on file with the Planning Department date-stamped **January 16, 2016**. The project shall comply with all conditions of approval stipulated in the department review sheets attached to the agenda report for this project. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
4. Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of receipt of the approved Planning Commission resolution and prior to issuance of any development permits.
5. The CDP shall be expire if the project has not commenced by March 1, 2021 after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the five-year period and shall set forth the reasons for the request.
6. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

7. All structures shall conform to requirements of the Division of State Architect (DSA), City Geotechnical staff, City Biologist, City Public Works Department, Los Angeles County Water District No. 29, LACFD, and any other responsible or trustee agency as applicable. Notwithstanding this review, all required permits shall be secured.
8. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.
9. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission, have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.

Special Conditions

10. This permit shall not become effective until the City Council approves the additional gross floor area (FAR of .20) beyond the maximum FAR of 0.15 pursuant to LIP Section 3.9(A)(3)(a) for significant public benefits.
11. The regular hours of operation for the SMC campus shall be between 6:00 AM and 11:00 PM.
12. The Sheriff Substation is allowed to operate 24 hours, seven days a week.
13. Noise emanating from the premises shall not be audible at a distance of five feet of any residential unit between the hours of 10:00 p.m. and 7:00 a.m., as required by MMC Section 8.24.050(L).
14. No outdoor amplified music shall be allowed on the project site, unless authorized in advance by a TUP.
15. Prior to occupancy of the campus, the applicant shall submit a copy of the reciprocal parking agreement between SMC and the County for joint use of the parking lot. The agreement shall allow SMC to limit County access to the leased portion of the parking lot should the City determine that County use of the parking lot is negatively affecting SMC's ability to provide sufficient parking for its campus. SMC will impose such limitations as requested by the City upon such a determination.
16. A construction management plan shall be reviewed and approved by the Public Works Department and the Planning Department prior to construction to ensure coordination with the Civic Center Wastewater Treatment Facility project.
17. Prior to construction of the replacement communications tower, the property owner, Los Angeles County, shall obtain a conditional use permit for the emergency communications facility use.

Cultural Resources

18. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in M.M.C Section 17.54.040(D)(4)(b) shall be followed.
19. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Construction and Demolition

20. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.
21. The City Manager may grant an exemption to extend construction hours pursuant to MMC Section 8.24.060(D) upon written request by the applicant. Such request shall include a notification package in a format specified by the City for notifying by mail all property owners and occupants within a 500-foot radius of the project site. The request shall be submitted three weeks in advance of the proposed activity to allow notice to be mailed to property owners at least two weeks in advance of the proposed activity.
22. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.
23. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the Planning Department for review and sign off on framing.

Colors and Materials

24. The project shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
 - a. Colors shall be compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones.
 - b. The use of highly reflective materials shall be prohibited except for solar energy panels

or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.

c. All windows shall be comprised of anti-glare glass.

25. All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. The color shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.
26. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color and material of all retaining walls shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.

Lighting

27. Outdoor lighting shall be turned off between the hours of 10:00 p.m. and sunrise every day, unless the use on the involved property operates past 10:00 p.m. If the use requires outdoor lighting between 10:00 p.m. and sunrise for safety or security reasons, lighting shall be allowed during these hours only if fully-shielded motion sensors are used and at least 50% of the total lumen levels are reduced.
28. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property shall not produce an illumination level greater than one foot candle.
29. Uplighting of landscaping is prohibited.
30. Night lighting from exterior and interior sources shall be minimized to that necessary for public safety.
31. Exterior lighting shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the LCP, the following standards, or to the County's Rural Outdoor Lighting District Ordinance, whichever is more restrictive:
 - a. Light pole height shall be limited to 12 feet in height;
 - b. Correlated color temperature shall be limited to 3,000 Kelvin;
 - c. Pole lights shall be limited to 54 watt LED fixtures;
 - d. Bollard lights shall be limited to 18 watt LED fixtures with full cut-off performance;
 - e. Lighting shall be fully shielded and emit no upward light; and
 - f. Outdoor lighting shall use adaptive controls, such as dimmers, timers and motions sensors to turn the outdoor lighting off so as to comply with the hours of operation. These devices or systems shall have backup capabilities so that, if power is interrupted, the schedule programmed into the device or system is maintained for at least seven days.
 - g. Site perimeter lighting shall be prohibited; and
 - h. Outdoor decorative lighting for aesthetic purposes is prohibited.

Biology/Landscaping

32. The applicant/property owner shall provide evidence that the landscape water use is approved by WD 29.
33. Invasive plant species, as determined by the City of Malibu, are prohibited.
34. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).
35. The use of building materials treated with toxic compounds such as copper arsenate shall be prohibited.
36. Tree removal scheduled between February 1 and August 30 will require nesting bird surveys by a qualified biologist prior to initiation of grading activities. Surveys shall be completed no more than five days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City Biologist prior to any vegetation removal on site.
37. The use of anti-coagulant rodenticides for use in pest control shall be prohibited on the project site. The applicant shall submit an Integrated Pest Management Plan for review and approval by the City Biologist prior to completion of the final site inspection.
38. Prior to final inspection and occupancy, the City Biologist shall inspect the project site and determine that all planning conditions and/or mitigation measures to protect natural resources are in compliance with the approved plans and/or operational procedures.

Geology

39. All recommendations of the consulting Certified Engineering Geologist or Geotechnical Engineer and the City Geotechnical staff (August 20, 2014 review sheet) shall be incorporated into all final design and construction. Final plans shall be reviewed and approved by the City Geologist prior to the issuance of a grading permit.
40. Final plans approved by the City Geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading and drainage. Any substantial changes may require amendment of the CDP or a new coastal development permit.

Wastewater

41. Pursuant to LIP Section 18.10(C), all new development in the Prohibition Area of the CCWTF shall be conditioned to install all necessary plumbing and other improvements to allow the development to connect to reclaimed water lines when they are available and make the maximum feasible use of reclaimed water.

Public Works

42. All street improvements within the City's right-of-way shall be included in a separate plan, and created using the Public Works Department's standard drawing templates. This plan shall be approved by the Public Works Department prior to the issuance of the grading permit. All improvements must be completed prior to occupancy.
43. This project proposes to consolidate the two western driveways into one new driveway within the City's right-of-way. Prior to the Public Works Department's approval of the grading permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed driveway. The driveway shall be constructed of either 6-inches of concrete over 4-inch of aggregate base, or 4-inches of asphalt concrete over 6-inches of aggregate base. The driveway shall be flush with the existing grades with no curbs. The driveway shall match the existing improvements including the brick and sidewalk pavers. All concrete shall be colored concrete, Davis Color, Yosemite Brown, #641. These improvements must be completed prior to occupancy.
44. The applicant shall install new concrete sidewalk improvements on the west side of Webb Way from Pacific Coast Highway to Civic Center Way. These improvements consist of installing new curb and gutter, access ramps, and sidewalks. The new curb and gutter shall be per APWA Standard Plan No. 120-1 (CF=6", W=24"). The alignment of the new curb and gutter shall be approved by the Public Works Department. The applicant shall remove and replace the existing street structural section. The new street sections shall be a minimum of 6-inches of asphalt concrete, C2-PG-6410, and a minimum of 10" of processed miscellaneous base. The final street section shall be designed and submitted to the Public Works Department for review and approval. A traffic index of 9 shall be used for the final pavement design. The design and construction shall include a transition to join the existing street improvements. This work shall be constructed in accordance with the current edition of the Standard Specifications for Public Works Construction (SSPWC) "Green Book". All concrete shall be colored concrete, Davis Color, Yosemite Brown, #641.

If these improvements are completed by a separate development project, the applicant shall contribute its pro-rata share of the costs associated with the sidewalk improvements on Webb Way. The percentage fair-share contribution shall be calculated using the total trips generated by the proposed project divided by the total "new" traffic, which is the net increase in traffic volume from all proposed projects and growth. The cost of mitigation shall be calculated using verifiable cost estimates from reliable and recognized sources. The fair-share cost of mitigation shall be calculated using the following formula:

$P = T / (TB - TE)$ where,

P = Fair share of the project's impact

T = The vehicle trips generated by the project during the peak hour of the adjacent intersection/roadway facility in vehicles per hour

TB = The forecasted traffic volume on the impacted intersection/roadway facility for the analysis scenario (vph)

The City shall verify that all pro-rata funds have been received for the improvements prior to final occupancy.

45. Prior to the approval of the street improvement plans, the applicant shall post a security for guaranteeing public improvements.
46. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development LIP Section 17.3.1 that:
- Is located within or adjacent to ESHA, or
 - Includes grading on slopes greater than 4:1
 - Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4:1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources
47. This project proposes to export material from the project site. Prior to the approval of the grading permit, the applicant shall submit a Construction Management Plan (CMP) to the Public Works Department for review and approval. The CMP shall address mitigation measures that reduce the projects construction impacts and must be approved prior to the issuance of the grading permit.
48. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City's LIP Section 8.3. A note shall be placed on the project that addresses this condition.
49. A grading and drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.
- a. Public Works Department General Notes
 - b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
 - c. The limits of land to be disturbed during project development shall be delineated on the grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, Areas disturb for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
 - d. The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
 - e. If the property contains trees that are to be protected they shall be highlighted on the grading plan.
 - f. If the property contains rare and endangered species as identified in the resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
 - g. Private storm drain systems shall be shown on the grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.

h. Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.

50. A digital drawing (AutoCAD) of the project’s private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMP’s shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-construction BMP’s and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.
51. The applicant shall label all City/County storm drain inlets within 250 feet from each property line per the City of Malibu’s standard label template. A note shall be placed on the project plans that address this condition.
52. A Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls	Hydraulic Mulch
	Hydroseeding
	Soil Binders
	Straw Mulch
	Geotextiles and Mats
	Wood Mulching
Sediment Controls	Fiber Rolls
	Gravel Bag Berm
	Street Sweeping and/ or Vacuum
	Storm Drain Inlet Protection
	Scheduling
	Check Dam
Additional Controls	Wind Erosion Controls
	Stabilized Construction Entrance/ Exit
	Stabilized Construction Roadway
	Entrance/ Exit Tire Wash
Non-Stormwater Management	Vehicle and Equipment Washing
	Vehicle and Equipment Fueling
Waste Management	Vehicle and Equipment Maintenance
	Material Delivery and Storage
	Spill Prevention and Control

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

53. Prior to the approval of any permits and prior to the applicant submitting the required Construction General Permit documents to the State Water Quality Control Board, the applicant shall submit to the Public Works Department for review and approval an Erosion and Sediment Control Plan (ESCP). The ESCP shall contain appropriate site-specific construction site BMPs and developed and certified by a Qualified SWPPP Developer (QWD). All structural BMPs must be designed by a licensed California Engineer. The ESCP must address the following elements:
- a. Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside the disturbed area.
 - b. Methods used to protect native vegetation and trees.
 - c. Sediment/Erosion Control.
 - d. Controls to prevent tracking on and off the site.
 - e. Non-storm water controls.
 - f. Material management (delivery and storage).
 - g. Spill Prevention and Control.
 - h. Waste Management
 - i. Identification of site Risk Level as identified per the requirements in Appendix 1 of the Construction General Permit.
 - j. Landowner must sign the following statement on the ESCP:

“I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate and complete. I am aware that submitting false and/or inaccurate information, failing to update the ESCP to reflect current conditions, or failing to properly and/or adequately implement the ESCP may result in revocation of grand and/or other permits or other sanctions provided by law.”

54. A State Construction activity permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading permits.
55. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City’s Local Implementation Plan Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP’s) that have been implemented in the design of the project (See LIP Chapter 17 Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading permits for this project.

56. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
- a. Site Design Best Management Practices (BMP's)
 - b. Source Control BMP's
 - c. Treatment Control BMP's that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technical infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.
 - d. Drainage Improvements
 - e. A plan for the maintenance and monitoring of the proposed treatment BMP's for the expected life of the structure.
 - f. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.
 - g. The WQMP shall be submitted to Public Works and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of the grading and drainage plan. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.
57. This project is located within Phase 1 of the State Water Board's septic prohibition zone. The project will be required to connect into the City's sewer system. Final occupancy for this project will not be issued until the Civic Center Wastewater Treatment Facility and the sewer collection infrastructure is completed, operational, and all on-site sewer connections to the new sewer laterals are completed.
58. All on-site sanitary sewer mains and appurtenances shall be a private sewer system, owned and maintained by the property owner. Connection to the City sewer system shall be made at existing sewer laterals. Point of connection to the City sewer system shall be made only to existing sewer laterals or sewer mains as approved by the Public Works Department. If a new sewer lateral is required, the applicant shall prepare improvement plans designed by a Registered Civil Engineer and pay the associated new sewer lateral connection fees. The new sewer lateral shall be constructed in accordance with APWA Standard Plan 222-1. When new sewer laterals are to be connected to an existing sewer main, the contractor shall call for such protections as is necessary to prevent construction debris from being washed into the active sewers.
59. Prior to the issuance of any permits, the applicant shall pay a sewer connection fee to the Public Works Department. All sewer connection plans shall be made on the Public Works Department standard drawing template.

60. There shall be no trees planted within 10 feet of any sewer lateral.
61. All new sewer infrastructures shall be isolated with a physical barrier until the Public Works Department approves the new system, the Civic Center Wastewater Treatment Facility is completed and operational, and the development is ready for actual occupancy.
62. Proposed improvements are located within the Special Flood Hazard Area (SFHA). An Elevation Certificate based on construction drawings is required for any building located within the SFHA. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines and to the street center line. The survey map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide the information for the benchmark utilized, the vertical datum, and any datum conversion. A post construction Elevation Certificate will be required to certify building elevations, when the construction is complete, and shall be provided to the Public Works Department prior to final approval of the construction.
63. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
64. For any decorative water feature, the discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, alagecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
 - a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
 - b. There are sufficient BMPs in place to prevent soil erosion; and
 - c. The discharge does not reach into the MS4 or to the ASBS (including tributaries)

Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

65. The applicant shall also provide a construction note on the plans for the water feature that directs the contractor to install a new sign stating "**It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5).**" The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.
66. Pursuant to MMC Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.
67. All commercial developments shall be designed to control the runoff of pollutants from structures, parking and loading docks. The following minimum measures shall be implemented to minimize the impacts of commercial developments on water quality and shall be shown on the grading plans:

- a. Proper design of Loading and unloading docks.
 - i. Cover loading/unloading dock areas or design drainage to minimize run-on and runoff of storm water
 - ii. Direct connections to storm drains from depressed loading/unloading docks are prohibited.
- b. Properly Design Vehicle/Equipment Wash Areas
 - i. Self-contained and/or covered wash areas shall be equipped with a clarifier or other pretreatment facility and properly connected to a sanitary sewer.
- c. Properly designed Parking lots (5,000 square feet of impervious surface or 25 parking spaces.)
 - i. Minimize impervious surfacing for parking area.
 - ii. Infiltrate runoff before it reaches a storm drain system.
 - iii. Treat to remove oil and petroleum hydrocarbons at parking lots that are heavily used.
 - iv. Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal and system fouling and plugging prevention control.
- d. RESTAURANTS – Properly design Equipment/accessory wash areas
 - i. Install self-contained wash area, equipped with grease trap, and properly connected to Sanitary Sewer.
 - ii. If the Wash area is located outdoors, it must be covered, paved, the area must have secondary containment and it shall be connected to the sanitary sewer.
- e. TRASH STORAGE AREAS
 - i. Trash container areas must have drainage from adjoining roofs and pavement diverted around the area.
 - ii. Trash container areas must be screened or walled to prevent off-site transport of trash.
- f. OUTDOOR MATERIAL STORAGE
 - i. Materials with the potential to contaminate storm water must be: (1) placed in an enclosure such as a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes or curbs.
 - ii. The storage areas must be paved and sufficiently impervious to contain leaks and spills.
 - iii. The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.

Fencing and Walls

- 68. The height of fences and walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed six feet in height or 12 feet in height for a combination of two or more walls.

Fire Safety

69. The project requires LACFD approval of a Final Fuel Modification Plan prior to the issuance of grading or building permits.
70. The project requires LACFD plan review and approval of all proposed fire water service improvements and prior to construction. The improvements shall be designed and constructed in accordance with the water service and fire access plan review requirements provided by the LACFD.

Water Service

71. As a condition of receiving water service from WD 29, the College shall install at its own expense any required water system facilities necessary to meet the requirements of the County/City Engineer and the County Fire Chief. The College will also be required to pay appropriate connection fees, including meter fees, capital and local improvement charges, and financially participate in the Civic Center Infrastructure Improvement Project prior to approval of water plans, start of construction and installation of any additional permanent water service.

MMRP

72. The MMRP of the Final EIR is hereby incorporated as Exhibit A to this resolution.

Deed Restrictions

73. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning department staff prior to beginning construction.
74. The applicant shall be required to execute and record a deed restriction reflecting the *Lighting* conditions set forth above. The property owner shall provide a copy of the recorded document to Planning department staff prior to beginning construction.
75. Pursuant to MMC Section 17.66.100(A), no conditional use permit (this resolution) shall be effective for any purpose until the applicant executes an affidavit provided by the city declaring that the applicant is aware of and accepts any conditions that have been imposed upon the permit, and records the affidavit with the county recorder.

Prior to the Issuance of Certificate of Occupancy

76. Prior to issuance of a certificate of occupancy, the City Biologist shall inspect the project to determine that all Planning conditions to protect natural resources are in compliance with the approved plans.

77. Prior to issuance of a certificate of occupancy, the applicant shall request a final Planning inspection for verification of compliance with all conditions of approval of this resolution.
78. Prior to the issuance of a certificate of occupancy, the applicant shall demonstrate to the satisfaction of the Planning Director the project meets the equivalency of Silver LEED certification.

Emergency Communication and Service Facilities Conditions

79. All antennas shall meet the minimum siting distances to habitable structures required for compliance with the FCC regulations and standards governing the environmental effects of radio frequency emissions.
80. All antennas shall be located so that any person walking adjacent to the transmitting surface of the antennas will be walking on a grade, which is a minimum of eight and one-half feet below the transmitting surface.
81. All antennas, equipment, and support structures shall be designed to prevent unauthorized climbing.
82. The emergency communication and service facility shall be erected, operated, and maintained in compliance with the general requirements set forth in MMC Section 17.46.060 and most restrictive design criteria set forth in MMC Section 17.46.070.
83. The antenna and electrical support equipment shall, at all times, be operated in a manner that conforms to the applicable federal health and safety standards.
84. The emergency communication and service facility, included associated equipment, shall not emit a noise greater than fifty (50) decibels (dB) as measured from the base of the facility and may not be plainly audible within 10 feet of any residence.
85. The co-location of wireless telecommunications facilities pursuant to MMC Section 17.46.090 shall be required whenever feasible.
86. An operation technician is required to conduct regular quarterly maintenance visits to verify that the emergency communication and service facility remains in compliance with the conditions of approval and safety requirements.
87. Colors and materials of the proposed tower, including equipment and antennas attached thereto, shall be non-reflective and chosen to minimize visual impact to the greatest extent feasible.
88. All improvements, including foundations, and appurtenant ground wires, shall be removed from the property and the site restored to its original pre-installation conditions within 90 days of cessation of operation or abandonment of the facility.
89. Within thirty (30) calendar days following the installation of emergency communication and service facility, the applicant/property owner shall provide to the Planning Department a field

report prepared by a qualified engineer verifying that the unit has been inspected, tested, and is operating in compliance with FCC standards. Such documentation shall include the make and model (or other identifying information) of the unit tested, the date and time of the inspection, and a certification that the unit is properly installed and working within applicable FCC standards.

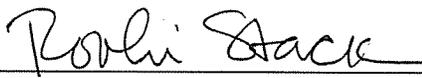
Fixed Conditions

90. This coastal development permit shall run with the land and bind all future owners of the property.
91. A conditional use permit that is valid and in effect, and was granted pursuant to the provisions of the MMC, shall run with the land and continue to be valid upon change of ownership of the land or lawfully existing structure.
92. The conditions under which this conditional use permit was approved may be modified by the City without the consent of the property owner, tenant or operator if the Planning Commission finds that the use is creating a nuisance.
93. If it has cause to believe that grounds for revocation or modification may exist, the Planning Commission shall hold a public hearing upon the question of modification or revocation of this conditional use permit pursuant to MMC Section 17.66.100(C). The conditional use permit may be revoked if the Planning Commission finds that one or more of the following conditions exists:
 - a. The conditional use permit was obtained in a fraudulent manner.
 - b. The use for which the conditional use permit was granted has ceased or was suspended for at least six successive calendar months from date operation of the use commenced.
 - c. One or more of the conditions found within this resolution have not been substantially met.
94. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

Section 10. Certification.

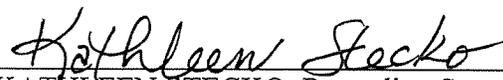
The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 29th day of February 2016.



ROOHI STACK, Planning Commission Chair

ATTEST:



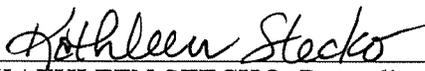
KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, extension 245.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the City Council's decision to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-30 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 29th day of February 2016, by the following vote:

AYES:	3	Commissioners:	Brotman, Pierson, Stack
NOES:	2	Commissioners:	Jennings, Mazza
ABSTAIN:	0		
ABSENT:	0		



KATHLEEN STECKO, Recording Secretary

Exhibit "A" MITIGATION MONITORING AND REPORTING PROGRAM

**Table 2.1
Summary of the Project's Environmental Impacts and Mitigation Measures**

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p>Aesthetics (Views, Light and Glare):</p> <p><i>Construction:</i> The existing visual character of the Project Site would temporarily change from an underutilized lot to an active construction site. The temporary nature of construction activities, combined with Mitigation Measure AES-1, would reduce potential aesthetic impacts on the quality and character of the Project Site to a less than significant level.</p> <p><i>Operation:</i> Construction of the Project would provide a modern two-story building with a green roof and public open space, as a Santa Monica College satellite campus for the City of Malibu. With implementation of Mitigation Measures AES-1 and AES-2, possible visual impacts will be mitigated to a less than significant level.</p> <p><i>Obstruction of Views:</i> The Project is not expected to significantly alter the existing viewsheds and aesthetic character of the area. The Proposed Project would not adversely impact or block any existing scenic views within the immediate Project vicinity. Therefore, the Project would have a less than significant impact with respect to public scenic vistas.</p> <p><i>Light Pollution:</i> Light emanating from the proposed lighting plan would not adversely impact other properties in the immediate area. With the implementation of Mitigation Measure AES-4, impacts related to nighttime lighting would therefore be less than significant.</p> <p><i>Glare:</i> The proposed modern building would enhance the visual appearance of the Project Site and the area by introducing a new structure with modern architecture. With the implementation of AES-3, impacts associated with glare from building elements would be less than significant.</p>	<p>AES-1 Construction equipment, debris, and stockpiled equipment shall be enclosed within a fenced or visually screened area to effectively block the line of sight from the ground level of neighboring properties. Such barricades or enclosures shall be maintained in good appearance throughout the construction period. Graffiti shall be removed immediately upon discovery.</p> <p>AES-2 Prior to the issuance of a grading permit, SMC shall submit a landscape plan that incorporates native plant species to the satisfaction of the City of Malibu Planning Department and Los Angeles County Department of Regional Planning. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained during the life of the Project.</p> <p>AES-3 The exterior of the proposed building shall be constructed of glare-reducing materials that minimizes glare impacts on motorists and other persons on and off-site.</p> <p>AES-4 Outdoor lighting shall be incorporate low-level lighting fixtures and shall be designed and installed with directional shields so that the light source cannot be seen from adjacent land uses, consistent with the Rural Outdoor Lighting District Ordinance.</p>	<p><i>Construction:</i> Less than significant.</p> <p><i>Operation:</i> Less than significant.</p> <p><i>Obstruction of Views:</i> Less than significant.</p> <p><i>Light Pollution:</i> Less than significant.</p> <p><i>Glare:</i> Less than significant.</p>
<p>Air Quality</p> <p><i>AQMP Consistency:</i> The Proposed Project would be consistent with the underlying assumptions of the SCAQMD's 2012 AQMP and does not cause or worsen an exceedance of an ambient air quality standard, the Proposed Project is concluded to be consistent with the AQMP and these</p>	<p>AQ-1 The Project Applicant shall include in construction contracts the control measures required and/or recommended by the SCAQMD at the time of development, including but not limited</p>	<p><i>AQMP Consistency:</i> Less than significant.</p>

EXHIBIT A

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p>impacts are less than significant.</p> <p><i>Regional Construction Air Quality Impacts:</i> The peak daily emissions generated during the construction of the Proposed Project would not exceed any of the regional emission thresholds recommended by the SCAQMD. Therefore, regional air quality impacts associated with the Project-related construction emissions would be considered less than significant.</p> <p><i>Localized Construction Air Quality Impacts:</i> Localized On-Site Peak Daily Construction Emissions, on-site emissions generated by the Project would exceed the established SCAQMD localized thresholds for PM_{2.5} emissions. Therefore, the localized air quality impacts resulting from construction emissions associated with the Project would be potentially significant.</p> <p><i>Regional Operational Air Quality Impacts:</i> The operational emissions associated with the Project would not exceed the established SCAQMD threshold levels during the summertime (smog season) or wintertime (non-smog season). Therefore, impacts associated with regional operational emissions from the Project would be less than significant.</p> <p><i>Localized Operational CO Impacts:</i> Implementation of the Project would not expose any possible sensitive receptors (such as residential uses, schools, or hospitals) located in close proximity to the studied intersections to substantial localized pollutant CO concentrations. Thus, impacts with respect to exposure of sensitive receptors to substantial pollutant CO concentrations would be less than significant.</p> <p><i>Toxic Air Contaminants (TAC) Impacts:</i> The Project would not include the operations of any land uses routinely involving the use, storage, or processing of carcinogenic or non-carcinogenic toxic air contaminants. The construction activities associated with the Project would be subject to the regulations and laws relating to toxic air pollutants at the regional, state, and federal level that would protect sensitive receptors from substantial concentrations of these emissions. Therefore, impacts associated with the release of toxic air contaminants would be less than significant.</p>	<p>to the following:</p> <p><i>Rule 403 - Fugitive Dust</i></p> <ul style="list-style-type: none"> • Use watering to control dust generation during demolition of structures or break-up of pavement; • Water active grading/excavation sites and unpaved surfaces at least three times daily; • Cover stockpiles with tarps or apply non-toxic chemical soil binders; • Limit vehicle speed on unpaved roads to 15 miles per hour; • Sweep daily (with water sweepers) all paved construction parking areas and staging areas; • Provide daily clean-up of mud and dirt carried onto paved streets from the Site; • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 15 miles per hour over a 30-minute period or more; and, • An information sign shall be posted at the entrance to the construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt if feasible. <p>AQ-2 The Applicant shall comply with SCAQMD Rule 402 (Nuisance), and SCAQMD Best Available Control Technology Guidelines to limit potential objectionable odor impacts during the Project's long-term operations phase.</p> <p>AQ-3 The Applicant shall ensure all construction contractors comply with SCAQMD Rules 1108 and 1113, which include control measures to limit the amount of volatile organic compounds</p>	<p><i>Regional Construction Air Quality Impacts:</i> Less than significant.</p> <p><i>Localized Construction Air Quality Impacts:</i> Less than significant.</p> <p><i>Regional Operational Air Quality Impacts:</i> Less than significant.</p> <p><i>Localized Operational CO Impacts:</i> Less than significant.</p> <p><i>TAC Impacts:</i> Less than significant.</p>

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p><i>Odor Impacts:</i> The Project would not create objectionable odors affecting a substantial number of people during construction or long-term operation. Therefore, a less than significant impact would occur with respect to the creation of objectionable odors.</p>	<p>from cutback asphalt and architectural coatings and solvents.</p>	<p><i>Odor Impacts:</i> Less than significant.</p>
<p>Cultural Resources Based on the available evidence, construction and operation associated with the Proposed Project would not result in any adverse impacts upon cultural resources on the Project Site. No known archaeological or cultural resources are known to occur within or beneath the limits of the Project Site. Nevertheless, the potential still exists to uncover unknown archaeological resources or human remains during excavation and/or surface grading activities. Such unforeseen impacts can be avoided by implementing preventative Mitigation Measures CR-1 and CR-2 during the construction. Therefore, impacts to cultural resources would therefore be considered less than significant.</p>	<p>CR-1. In the event that archaeological resources are encountered during the course of grading or construction, all development must temporarily cease in the area of discovery until the resources are properly assessed and subsequent recommendations are determined by a qualified consultant.</p> <p>CR-2. In the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. Excavation or disturbance may continue in other areas of the Project Site that are not reasonably suspected to overlie adjacent remains or cultural resources. If evidence of prehistoric artifacts is discovered, construction activities in the affected areas shall not proceed until written authorization is granted by the City of Malibu Planning Director.</p>	<p>Less than significant.</p>
<p>Geology/Soils <i>Seismic Hazards:</i> The Project Site might be underlain by the projection of the Malibu Coast Fault. The Malibu Coast Fault has the potential of producing relatively low magnitude earthquakes due to the low slip rate. Therefore, the probability of exposing people or structures to potential substantial adverse effects from earthquakes on the Malibu Coast Fault is considered low. The Project Site is within a Seismic Hazard Zone delineated as having potential for liquefaction as mapped by the California Geological Survey (formerly CDMG) for the Malibu Beach 7.5 Minute Quadrangle. Implementation of Mitigation Measure GEO-1 would ensure</p>	<p>GEO-1 The Proposed Project shall be designed and constructed in accordance with the City and State Building Codes and shall adhere to all modern earthquake standards, including the recommendations provided in the Project's Final Geotechnical Report, which shall be reviewed by the Division of the State Architect prior to construction.</p>	<p><i>Seismic Hazards:</i> Less than significant.</p>

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p>the Proposed Project would be constructed in accordance with the final geotechnical recommendations, Malibu's General Plan (Safety and Health Element), and Local Coastal Program Land Use Plan. Therefore, with implementation of the site development recommendations, development of the Proposed Project would not expose people to significant seismic-related ground failure, including liquefaction, and these impacts would be considered less than significant.</p> <p><i>Landslides:</i> The Project Site is not immediately adjacent to any mountains or steep slopes, and the topography of the Project Site is relatively flat. The Project Site is not located in the City of Malibu designated areas of high susceptibility for landslides. In addition, the Project Site is not located within a Seismic Hazard Zone for earthquake-induced landsliding. Therefore, potential hazards associated with landslides would be less than significant.</p> <p><i>Sedimentation, Soil Erosion, and Loss of Topsoil:</i> Soils could be exposed to the elements during construction. The Project would be designed to comply with the Construction General Permit Water Quality Order 2009-0009-DWQ as amended by Order No. 2010-0014-DWQ to prevent short-term construction-induced water quality impacts resulting from erosion and sedimentation issues. Similarly, as a regulatory requirement, the Project requires the preparation of a Stormwater Pollution and Prevention Plan (SWPPP) because construction activities would disturb more than one acre of land. Mitigation Measure WQ-1 in Section 4.7, Hydrology and Water Quality, would minimize soil erosion and the transmission of sediment into the City's separate storm sewer system. Therefore, Project impacts related to sedimentation, erosion and loss of topsoil would be less than significant.</p> <p><i>Soil Stability:</i> The Preliminary Geotechnical Study indicates that the Project Site is considered to be suitable for the proposed construction from a geotechnical engineering standpoint, provided that the geotechnical recommendations are incorporated into the final construction plans. Mandatory code-compliance measures would ensure project impacts would be less than significant.</p>		<p><i>Landslides:</i> Less than significant.</p> <p><i>Sedimentation, Soil Erosion, and Loss of Topsoil:</i> Less than significant.</p> <p><i>Soil Stability:</i> Less than significant.</p>

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p><i>Expansive Soil:</i> The Proposed Project is not expected to withdraw or disrupt any groundwater, nor does the surrounding development. Mitigation Measure GEO-1 would ensure the Proposed Project would be constructed in accordance with the final geotechnical recommendations, City of Malibu's General Plan (Safety and Health Element), and Local Coastal Program Land Use Plan. Therefore, with implementation of the site development recommendations, development of the Proposed Project would have less than significant impacts related to soil stability.</p> <p><i>Flooding and Inundation:</i> The Project Site lies on the floodplain of Malibu Creek. The approximate eastern half of the Project Site is disposed to flooding during the 100-year-flood and is located in a Special Flood Hazard Area (SFHA) Zone of "AO." This corresponds to average flood depths (usually sheet flow on sloping terrain of up to two feet during a 100-year flood event). Several dammed reservoirs are located up-canyon from the Project Site. From northwest to southwest these reservoirs include Lake Sherwood (LSW), Westlake Lake (PW), the Las Virgenes Reservoir (WLR), Malibu Lake (MBL), and Century River (CTR). The Project Site lies within an inundation area for one or more of these reservoirs. With the implementation of acceptable design and building practices, the impact of a 100-year-flood and an inundation of up to two feet on the Proposed Project would be considered less than significant.</p> <p><i>Waste Water Disposal Systems:</i> Consistent with the City's Policy For Environmental Health Review Of Development Projects within The Civic Center Prohibition Area, the Proposed Project plans to connect to the City of Malibu's planned wastewater treatment facility for the Civic Center Area when it becomes operational. The Project's anticipated wastewater flow of 9,747 gallons per day has already been factored into the planned treatment capacity for the City's Wastewater Treatment Facility. Therefore, impacts will be reduced to a less than significant level.</p>		<p><i>Expansive Soil:</i> Less than significant.</p> <p><i>Flooding and Inundation:</i> Less than significant.</p> <p><i>Wastewater Disposal Systems:</i> Less than significant.</p>
<p>Greenhouse Gas Emissions</p> <p>Although the Proposed Project would emit GHGs, compliance with the CalGreen Code would reduce GHG emissions. The total amount of construction related GHG emissions is estimated to be approximately 450.34 CO₂e MTY, or approximately 15.01 CO₂e MTY amortized over a</p>	<p>No mitigation measures required.</p>	<p>Less than significant.</p>

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p>30-year period. Operation of the Proposed Project is estimated to generate a net increase of approximately 880.29 CO₂eMTY. The Proposed Project would be consistent with all feasible and applicable strategies to reduce greenhouse gas emissions in California and the City of Malibu. As such, the Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases and impacts would be considered less than significant.</p>		
<p>Hazardous Materials <i>Construction-Related Impacts</i></p> <p>There are no current identified recognized environmental conditions (RECs) on the Project Site and no evidence of RECs in the current and past uses of adjoining and surrounding properties. There is a seepage pit for septic systems on the northwest corner of the Project Site. The Project Site is listed on the Leaking Underground Storage Tank list for three former USTs. The Project Site LUST was issued closure by the County of Los Angeles Regional Water Quality Control Board and the County of Los Angeles Department of Public Works in the 1990's, which indicates that the investigation and/or remediation have been completed to their satisfaction. The LUST classification on the Project Site represents a historic recognized environmental condition in connection with the Project Site. Additionally, there are two sites that are located within a one-mile radius of the Project Site that have documented spills or leaks of gasoline. Both sites are considered unlikely to have contaminated the Project Site and do not represent an REC in association with the Project Site.</p> <p><i>Asbestos:</i> The structures on the Project Site were built prior to the federal banning of ACMs. Structures have the potential to have been constructed with building materials containing lead-based paint and/or ACMs. The potential release of ACMs is considered to be a significant impact. Mitigation Measure HAZ-2 is recommended to address this potential impact.</p>	<p>HAZ-1. The Project Developer shall obtain all necessary permits from the RWQCB prior to the installation of any temporary and/or permanent dewatering systems. Procurement of all applicable RWQCB permits will ensure the water quality of groundwater discharge into the storm drain infrastructure.</p> <p>HAZ-2. A demolition-level asbestos survey by a licensed contractor shall be conducted for the existing on-site structures. If the survey reveals that these structures contain ACMs, the structures shall be stabilized, removed, and disposed of in accordance with applicable regulations, including but not limited to, SCAQMD Rule 1403 and Cal/OSHA requirements.</p> <p>HAZ-3. During the demolition of existing structures, building materials shall be handled and disposed of in accordance with applicable federal, State, and local regulations regarding lead-containing materials.</p> <p>HAZ-4. Fluorescent light ballasts not specifically labeled as not to contain PCBs shall be presumed to contain them and shall be disposed of in accordance with applicable regulations, including but not limited to, Cal/OSHA requirements.</p> <p>HAZ-5. If any operation within the Project Site includes construction, installation, modification, or removal of underground storage tanks (Los Angeles County Code Title 11, Division 4), the County of Los Angeles must be contacted for required</p>	<p><i>Construction-Related Impacts</i> Less than significant.</p> <p><i>Asbestos Impacts</i> Less than significant.</p>

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p><i>Radon:</i> Based on the location of the Project Site, elevated levels of radon are not expected to be of concern.</p> <p><i>Lead:</i> Due to the building's age, it is presumed that lead-based paint is present on the Project Site. The structures on site containing lead-based materials could release lead into the environment during demolition activities. Therefore, Mitigation Measure HAZ-3 is recommended to address this potential impact.</p> <p><i>Polychlorinated Biphenyls (PCBs):</i> It is presumed that fluorescent light ballasts manufactured prior to 1978 might be located on the Project Site. Fluorescent light ballasts manufactured prior to 1978 may contain small quantities of PCBs. It is possible that PCBs could be released into the environment during demolition activities. Therefore, Mitigation Measure HAZ-4 is recommended to address this potential impact.</p> <p><i>Groundwater Sampling and Analysis:</i> All buildings on-site are served by septic systems, and septic tanks are located north of the decommissioned Sheriff Substation. In the early 1990s, four USTs were removed from the Project Site. The soil underlying two unleaded gasoline tanks and one aviation fuel storage tank was contaminated following the tank pull. Groundwater contamination was observed on-site. The Los Angeles Regional Water Quality Control Board granted case closure in October 1996 stating that the Malibu area does not use the aquifer as a potable source of water and "passive remediation should decrease the contamination to acceptable levels." However, pumped groundwater could potentially draw higher concentrations of contaminants onto the Project Site. Mitigation Measure HAZ-1 is provided to ensure that accidental contamination of the Project Site would not occur during construction activities.</p> <p><i>Operational Impacts:</i> The proposed uses do not involve any materials or activities that would entail the use of hazardous materials that could potentially pose a threat to persons on-site or on immediately adjacent properties. The proposed Sheriff's Substation would require the on-site storage and handling of explosives and other potentially hazardous projectile materials. The type of explosives that would likely be stored on-</p>	<p>approvals and operation permits.</p>	<p><i>Radon Impacts</i> Less than significant.</p> <p><i>Lead Impacts:</i> Less than significant.</p> <p><i>Polychlorinated Biphenyls (PCBs) Impacts:</i> Less than significant.</p> <p><i>Groundwater Sampling and Analysis:</i> Less than significant.</p> <p><i>Operational Impacts:</i> Less than significant.</p>

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p>site within the proposed Sheriff's Station and within secured Sheriff Department vehicles include ammunition with inert projectile, tear gas and smoke, sting balls, and small arms ammunition. All of these items will be stored in the Armory on-site in the Sheriff's space and in Sheriff Department vehicles that would be parked in a secured and fenced in area in the back lot. Based on the Proposed Project's required compliance with applicable regulations, the risk of upset and accidental conditions involving the release of hazardous materials into the environment is considered to be less than significant. Additionally, there are no public schools or proposed public schools within a quarter of a miles radius of the Project Site.</p>		
<p>Hydrology and Water Quality:</p> <p><i>Hydrology/Flooding:</i> Construction of the Proposed Project would require excavation of the foundation and basement level of the existing Sheriff's Station that is proposed for demolition. The finished floors of the Proposed Project would be elevated above the flood level and would not be prone to flooding. Thus, construction of the Proposed Project would not expose people or structures to a significant risk, loss, injury, or death involving flooding. Therefore, potential impacts associated with flooding hazards would be considered less than significant impact.</p> <p><i>Drainage and Water Runoff:</i> The Project would alter the existing configuration of the surface parking lot, which in turn would alter the surface water flows within the Project Site. Surface water runoff would continue to be directed through the Project Site's surface parking lot areas and into adjacent stormwater bio swale along Civic Center Way. The volume of surface water runoff from the Project Site is expected to decrease as a result of the Proposed Project. As compared to the existing conditions, the Project will increase the site's permeable surface area by approximately 12,800 square feet, an increase of approximately 46%. Thus, construction of the Proposed Project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-site or off-site. Therefore, drainage impacts would be considered less than significant impact.</p>	<p>WQ-1: The Project shall comply with all applicable City and County Low/Impact Development water quality requirements. The Proposed Project shall be designed and constructed in accordance with the Construction General Permit Water Quality Order 2009-0009-DWQ as amended by Order No. 2010-0014-DWQ. The Applicant shall submit a Stormwater Pollution and Prevention Plan (SWPPP) to the appropriate governing agency.</p> <p>WQ-2 Prior to the start if any construction activity, SMC or its contractor shall submit a Water Quality Management Plan (WQMP) to the satisfaction of the City of Malibu that incorporates appropriate site design and source control BMPs from Section 17.6 of the LIP and Appendix A to minimize or prevent post-construction polluted runoff.</p>	<p><i>Hydrology/Flooding:</i> Less than significant.</p> <p><i>Drainage and Water Runoff:</i> Less than significant.</p>

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p><i>Construction Impacts:</i> There is little exposed soil that would be susceptible to weathering and erosion on the Project Site. The Proposed Project would be designed with BMPs to comply with the Construction General Permit Water Quality Order 2009-0009-DWQ as amended by Order No. 2010-0014-DWQ to prevent short-term construction-induced water quality impacts resulting from erosion and sedimentation issues. Similarly, as a regulatory requirement, the Project requires the preparation of a Stormwater Pollution and Prevention Plan (SWPPP) because construction activities would disturb more than one acre of land. Implementation of Mitigation Measure WQ-1 will ensure appropriate and effective BMPs are implemented during construction to minimize soil erosion and the transmission of sediment into the City's separate storm drain system. Therefore, construction impacts upon water quality would be less than significant.</p> <p><i>Operational Impacts:</i> Post-development stormwater runoff has the potential to contribute pollutants to the stormwater conveyance system and ultimately to the ocean. The quality of stormwater is generally affected by the length of time since the last rainfall, the rainfall intensity, the urban uses of the area, and the quantity of transported sediment. The EPA considers street and parking lot surfaces to be the primary source of stormwater pollution in urban areas. Post-construction phase water quality BMPs are required as stated in Section 17.4.2 of the LCP. Section 17.4.2 of the LCP requires post-construction plans detailing how stormwater and polluted runoff will be managed or mitigated during the life of the project. A WQMP is required for all development that requires a Coastal Development Permit and shall require the implementation of appropriate site design and source control BMPs from Section 17.6 of the LIP and Appendix A to minimize or prevent post-construction polluted runoff. With the preparation, approval and successful implementation of a WQMP, impacts to water quality would be mitigated less than significant levels.</p> <p><i>Groundwater Impacts:</i> Construction of the Proposed Project would require excavation of the foundation and basement level of the existing Sheriff's Station that is proposed for demolition. Excavations would not extend deeper than required to remove the existing basement level and would be</p>		<p><i>Construction Impacts:</i> Less than significant.</p> <p><i>Operational Impacts:</i> Less than significant.</p> <p><i>Groundwater Impacts:</i> Less than significant.</p>

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p>noise impacts were assessed based on the peak hour traffic volumes for existing conditions (2012), future cumulative without project conditions (2017), and future cumulative with project conditions (2017). Project traffic would not increase the ambient noise level at any intersection by more than 3 dBA. As such, the Proposed Project's mobile source noise impacts would not cause an exceedance of the maximum allowable noise exposure levels from transportation sources. Therefore, Proposed Project's impacts associated with a permanent increase in ambient noise levels to the surrounding environment from mobile noise sources would be less than significant.</p> <p><i>Operational Event Noise:</i> Outdoor events at the Project Site are predicted to occasionally exceed exterior noise standards at surrounding sensitive noise receptors; however, the types of uses from operation of the Proposed Project in the Civic Center area are not anticipated to result in substantial on-site noise generation. As such, Civic Center noise would incrementally increase, but would not combine with the Proposed Project to contribute to a cumulatively substantial operational increase in Civic Center area noise levels. Therefore, long-term cumulative impacts would be less than significant.</p> <p><i>(c) HVAC Noise:</i> Noise impacts resulting from HVAC systems can vary considerably depending on the equipment selected, the system design, and the location of the equipment relative to the noise sensitive use. Noise levels from commercial HVAC systems are typically in the range of 70 to 92 dBA L_{eq} at a distance of 15 feet. The proposed building's mechanical and HVAC equipment would be located on the green roof and would be screened from public view. The location and placement of the mechanical equipment on the lower roof and adjacent to a higher wall of the building also would serve to attenuate noise levels at the property's boundaries. Installation and operation of the HVAC equipment would also be done in accordance with the American Society of Heating and Air-Conditioning Engineers (ASHRAE) Noise and Vibration Control Standards and Best Practices to ensure indoor noise levels are maintained at an acceptable level. As such, noise from HVAC and mechanical equipment would not exceed the ambient noise at the property line and noise impacts would be less than significant.</p>	<p>which causes high noise levels.</p> <p>N-4 Barriers such as plywood structures or flexible sound control curtains shall be erected around the perimeter of the Project Site to minimize the amount of construction noise impacting adjacent off-site land uses. Plywood barriers should have a minimum thickness of ¾ inch (21 mm) and extend to a height of eight (8) feet above grade to effectively block the line of sight from the noise source to the noise receptor.</p> <p>N-5 The project construction contractors shall ensure that equipment is properly maintained per the manufacturers' specifications and fitted with the best available noise suppression devices (i.e., mufflers, silencers, wraps, etc) or as required by the City's Department of Building and Safety, whichever is the more stringent.</p> <p>N-6 The project construction contractors shall shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power equipment.</p> <p>N-7 The project construction contractors shall ensure that construction equipment does not idle for extended periods of time.</p>	<p>Less than significant.</p> <p><i>Operational Event Noise:</i> Less than significant.</p> <p><i>HVAC Noise:</i> Less than significant.</p>

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p>Public Services (Police and Fire Protection)</p> <p><i>Fire Flow:</i> The Proposed Project does not exceed the capacity of existing LACFD services and would not require provision of new or physically altered facilities to maintain service ratios. A Fire Access Plan has been submitted to and approved by the Los Angeles County Fire Department (See Appendix C of this Draft EIR). Based on the Fire Department's initial review, no adverse impacts associated with fire protection and life safety requirements have been identified. Specific fire and life safety requirements will be addressed and conditions set at the building and fire plan check phase. Once the official plans are submitted for review there may be additional requirements (See Mitigation Measure PS-1). Therefore, with mitigation, impacts related to increased demands for fire protection services would be less than significant.</p> <p><i>Construction Impact (Police):</i> Sheriff service requirements will increase over the existing demands during the construction phase of the Proposed Project. The potential for vandalism and theft will increase due to the presence of construction equipment and building materials, increasing Sheriff's service demands for property protection.</p> <p><i>Operation Impacts (Police):</i> The operation of a Sheriff's Substation within the Malibu Civic Center would reduce response times throughout the City and will greatly reduce downtime associated with transportation to and from the Lost Hills Station. The construction and operation of the Proposed Project would incrementally add to the existing demands on the LASD in the City of Malibu, as additional daytime and evening population will be increased between the hours of 7:00 a.m. to 10:00 p.m. The increased presence of people on site would increase marginally the demands for police protection services. However the presence of the on-site Sheriff's Station alone would serve to increase public safety and reduce response times. As such, impacts upon Sheriff Department services would therefore be less than significant.</p>	<p>PS-1 The Project shall comply with all applicable code and ordinance requirements for construction, emergency access, water main fire flows and fire hydrants.</p>	<p><i>Fire Flow:</i> Less than significant.</p> <p><i>Construction Impact (Police):</i> Less than significant.</p> <p><i>Operation Impacts (Police):</i> Less than significant.</p>

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p>Transportation (Traffic and Parking)</p> <p><i>Traffic:</i> In order to evaluate the potential impacts to the local street system, eleven key intersections were analyzed during weekday and Saturday peak hour conditions to determine changes in operations following completion and occupancy of the Project. Application of the intersection impact threshold criteria from the City of Malibu indicates that the Proposed Project is not expected to create significant impacts at any of the eleven study intersections during weekday and Saturday conditions for existing with Project, as well as opening year with Project conditions and future 2030 with Project conditions. Street segment analyses yielded incremental, but not significant impacts at the two study street segments based on City of Malibu criteria. As no significant impacts are identified due to the Proposed Project, no traffic mitigation measures are required or recommended for the study intersections or street segments. Additionally, no significant impacts are identified due to the Proposed Project using school-time traffic count data at nine of the study intersections and at an additional Los Angeles County intersection.</p> <p><i>Parking</i></p> <p>A total of 189 on-site parking spaces will be provided within the ground lease area for the Project's portion of the Civic Center complex. Based on Malibu Municipal Code Sec. 17.48.030 the proposed parking would meet the Code parking requirement. A portion of the Project's parking supply within the ground lease area is contiguous to the public parking spaces for the existing Los Angeles County Superior Court and Malibu Library facilities. Under a conservative "worst case" condition whereby the SMC Malibu Satellite Campus and County uses are at peak activity throughout the day, there would be sufficient parking supply to accommodate the measured parking demand attributed to the County facilities and library. Based on the Project's proposed parking spaces, Project impacts would be less than significant. No mitigation measures are required.</p>	<p>T-1: Heavy duty truck trips shall be scheduled outside of peak hours when possible during the construction process.</p> <p>No mitigation measures are required.</p>	<p><i>Traffic:</i> Less than significant.</p> <p><i>Parking:</i> Less than significant.</p>

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p>Public Utilities (Water, Sewer, Energy Conservation)</p> <p><i>Sewer:</i> The Proposed Project would generate approximately 9,747 gallons of wastewater per day (gpd). The Proposed Project is prohibited from utilizing the existing septic system on the Project Site, pursuant to Sections 13240 and 13241 of the California Water Code. In light of that, the Proposed Project's operation is dependent on the construction of the City's Wastewater Treatment Facility, as the Proposed Project will be required to connect to the new facility once it is operational. It is expected that the increase in the wastewater generated by the Proposed Project would not exceed the amount accounted for in the design and construction of the Wastewater Treatment Facility for the Civic Center Area and impacts associated with wastewater would be less than significant with incorporation of the Mitigation Measures PU-1 through PU-3.</p> <p><i>Water:</i> The Proposed Project would generate a demand for 10,115 gallons per day (gpd). The estimated water demand for the Proposed Project was based on standard wastewater generation factors according to land use and irrigation demands. Should any additional on-site water system facilities or upgrades be identified at the time of construction to meet the requirements of the County/City Engineer and the County Fire Chief, they will be completed at the expense of the Applicant and in consultation with Water District 29 and the Fire Department. The Applicant will also be required to pay appropriate connection fees, including meter fees, capital and local improvement charges, and financially participate in the Civic Center Infrastructure Improvement Project prior to approval of water plans, start of construction, and installation of any additional permanent water service.</p> <p>Water efficiency will be a major consideration, as well as maintenance in the selection of all plumbing fixtures. Impacts associated with a net increase in water consumption would be less than significant as the project would be fitted with water efficient plumbing fixtures which would reduce the Project's water demand. Impacts associated with water supply would be less than significant and further reduced with implementation of Mitigation Measures PU-4 through PU-10.</p>	<p>PU-1 Occupancy and operation of the Proposed Project shall be conditioned upon the successful operation of and connection to the City's proposed Civic Center Wastewater Treatment Facility, not on-site. The average wastewater generation rate for the project shall not exceed 11,102 gallons per day.</p> <p>PU-2 Certificate(s) of Occupancy for this Project shall not be issued until the Civic Center Wastewater Treatment Facility (under separate permit CDP 13-057) is constructed and operational, and all on-site sewer connections to the new sewer laterals are completed.</p> <p>PU-3 Conditions of approval by the City of Malibu Public Works Department for Sewer are incorporated by reference into the Environmental Health Conditions of approval.</p> <p>PU-4 Prior to the issuance of a building permit, the Applicant shall pay any applicable and lawful fees adopted by the City and generally and uniformly imposed by the City's Environmental Sustainability Department and/or Public Works Department for construction of new water supply and distribution facilities.</p> <p>PU-5 Automatic sprinkler systems shall be set to irrigate landscaping during early morning hours or during the evening to reduce water loss from evaporation. Care must be taken to reset sprinklers to water less often in cooler months and during the rainfall season to avoid wasting water by excessive landscape irrigation.</p> <p>PU-6 Selection of native, drought-tolerant, low water consuming plant varieties shall be used to reduce potable irrigation water consumption to the maximum extent feasible.</p> <p>PU-7 Best Management Practices (BMP's) for water conservation shall be used within buildings to reduce wastewater generation/water use.</p> <p>PU-8 The Applicant shall install high-efficiency toilets (maximum</p>	<p><i>Sewer:</i> Less than significant.</p> <p><i>Water:</i> Less than significant.</p>

Summary of Environmental Impacts	Mitigation Measures	Level of Impact After Mitigation
<p><i>Energy Conservation (Electricity):</i> During the construction period, temporary service outages may result in the surrounding area as construction workers upgrade and extend the necessary infrastructure to serve the Project Site. Due to the temporary and intermittent nature of such outages, such impacts are considered less than significant. The Proposed Project's energy demands would be approximately 300,227 kWh/yr. This estimate is conservative and is anticipated to be reduced with compliance with the CAL Green Code, Title 24 (2013), and additional sustainability features that are proposed to meet LEED accountability goals. As such, the Proposed Project's energy demands would be less than significant, and no mitigation measures would be required.</p> <p><i>Energy Conservation (Natural Gas):</i> The Proposed Project is anticipated to result in an increase of approximately 70,290 cubic feet per month of natural gas. Further determinations about necessary infrastructure improvements may be made upon the submission to The Gas Company of "final plans" for the Proposed Project. The Proposed Project would have a less than significant impact upon natural gas services, and no mitigation measures would be required.</p>	<p>1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.</p> <p>PU-9 The Applicant shall install restroom faucets with a maximum flow rate of 1.5 gallons per minute.</p> <p>PU-10 A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for the proposed new building to ensure a separate connection from the library building is maintained.</p>	<p><i>Energy Conservation (Electricity):</i> Less than significant.</p> <p><i>Energy Conservation (Natural Gas):</i> Less than significant.</p>
<p><i>Source: Parker Environmental Consultants, 2015.</i></p>		

**CITY OF MALIBU
NOTICE OF PUBLIC HEARING
CITY COUNCIL**

The Malibu City Council will hold a public hearing on **Monday, April 11, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

**SANTA MONICA COLLEGE – MALIBU CAMPUS
FLOOR AREA RATIO APPLICATION**

The Malibu City Council will consider the Planning Commission's recommendation to approve an increase in Floor Area Ratio (FAR) from 0.15 to 0.20 based on the significant public benefits provided by the Santa Monica College – Malibu Campus project.

FAR is the ratio of the building square footage to the square footage of the site. The Santa Monica College – Malibu Campus project, as conditionally approved by the Planning Commission, includes a floor area of 25,310 square feet and the area of the project site is 128,500 square feet, for an FAR of 0.20.

The Institutional Development Standards that apply to the project require that a project's FAR be limited to 0.15, but that additional floor area may be approved by the City Council, up to the maximum allowed for the parcel under the Land Use Plan (in this case 0.20), where additional significant public benefits and amenities are provided as part of the project.

On February 29, 2016, the Planning Commission held a duly noticed public hearing and adopted Resolution No. 16-30 approving Coastal Development Permit No. 13-056 and the associated entitlements for the project, contingent upon the City Council's approval of the 0.20 FAR.

Project Location:	23525 Civic Center Way, Parcel A
APN:	4458-022-904
Zoning:	Institutional (I)
Property Owner:	Los Angeles County
Applicant/Tenant:	Santa Monica Community College
Application Filed:	November 14, 2013
Case Planner:	Stephanie Hawner, Associate Planner (310) 456-2489, extension 276 shawner@malibucity.org

Environmental Review: Acting as lead agency in accordance with California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15051, on January 13, 2016, the Santa Monica College Board of Trustees (Board of Trustees) adopted a Final Environmental Impact Report (EIR) for the Santa Monica College Malibu Campus project (State Clearinghouse # 2012051052).

The Final EIR identified potential significant environmental impacts that would result from the project. With its certification of the Final EIR, the Board of Trustees adopted mitigation measures to reduce the most potentially-significant impacts to a less-than-significant level as part of a Mitigation Monitoring and Reporting Program. The EIR identified significant and unavoidable impacts with respect to Noise (Construction). Pursuant to CEQA Section 21081(b) and CEQA Guidelines Section 15093, the Board weighed the benefits of the proposed project, including the specific economic, legal, social, and technological benefits, against the unavoidable construction noise impacts and determined that the identified benefits outweigh the unavoidable impacts. Accordingly, a Statement of Overriding Considerations (SOC) was also adopted by the Board of Trustees as part of the Final EIR.

Pursuant to CEQA Guidelines Sections 15082 and 15096, the Board of Trustees 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 Coastal Development Permit No. 13-056 and associated project entitlements, the Planning Commission reviewed and considered the Final EIR prior to acting upon, and conditionally approving, the project. The Final EIR, MMRP, SOC, and all Planning Commission Agenda Report materials are available on the City's website at: <http://www.malibucity.org/SMC-Malibu>.

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

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

COASTAL COMMISSION APPEAL: Should the City Council approve the .20 FAR, local action on the coastal development permit will become final, and a Notice of Final Local Action will be transmitted to the California Coastal Commission. An aggrieved person may appeal the City's approval of the coastal development permit to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling 805-585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

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



Bonnie Blue, Planning Director

Publish Date: March 17, 2016