



Council Agenda Report

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

Prepared by: Adrian Fernandez, Assistant Planning Director

Approved by: Steve McClary, City Manager

Date prepared: June 30, 2023 Meeting date: July 10, 2023

Subject: Update Regarding Local Coastal Program Amendment No. 21-002 (Malibu Middle and High School Campus Specific Plan)

RECOMMENDED ACTION: 1) Receive an update on the Malibu Middle and High School (MMHS) Campus Specific Plan; 2) Review the California Coastal Commission's (CCC's) staff request for a one-year time extension to act on the MMHS Campus Specific Plan Local Coastal Program Amendment (LCPA) (LCPA No. LCP-4-MAL-22-043-1) (Attachment 2); and 3) Direct City staff to submit a letter to the CCC opposing the one-year extension and for the CCC to direct its staff to prioritize the MMHS Campus Specific Plan for consideration during the September 2023 CCC hearing.

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

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2022-2023. This project is part of normal staff operations. Staff continue to work on ongoing projects and normal business while the FY 2023-24 Work Plan is finalized.

DISCUSSION: At the June 26, 2023 Regular City Council meeting, the City Manager proposed to bring an item to the next Council meeting for the Council to consider whether to direct City staff to submit a letter to the CCC opposing the one-year extension and to urge CCC to take immediate action on the MMHS Campus Specific Plan LCPA.

The MMHS Campus Specific Plan (Specific Plan) is expected to be implemented in four phases over the next 10 to 15 years. On December 21, 2021, the Santa Monica – Malibu Unified School District (SM-MUSD) submitted the LCPA to establish a specific plan and a separate coastal development permit (CDP) application for Phase 1 of the campus plan, which includes the construction of a new two-story high school building, a lot merger, new parking areas, Environmental Sensitive Habitat Area (ESHA) restoration, and associated development.

The Specific Plan allows for unique development standards specific to the project. Some of the main unique standards established for Phase 1 in the City-approved Specific Plan include:

1. Increased building heights for the proposed high school building and middle school gymnasium (36 feet) and the high school gymnasium and theater/performing arts center (45 feet) where 28 feet is required;
2. New electronic message center (EMC) signs which are currently prohibited by the MMC; and
3. Reduction of the 100-foot environmental sensitive habitat area (ESHA) setback to 50 feet to accommodate new permeable parking areas, teaching platforms, and fuel modification.

The CDP application for Phase 1 is mostly complete but is on hold for consideration by the Planning Commission until the pending LCPA is certified, which would allow Phase 1 to be processed in compliance with the unique development standards in the Specific Plan. Development in Phase 1 will be funded by a general obligation bond which was passed in November 2018. According to the SM-MUSD, the CCC one-year extension will result in a significant construction cost increase that has the potential to render the project financially infeasible without another general obligation bond.

CONCLUSION: The Council may direct staff to submit a letter opposing the CCC from granting a one-year time extension to act on the LCPA request. The Council may also direct staff to request the CCC to direct its staff to prioritize the MMHS Campus Specific Plan LCPA for consideration. A draft letter is included as Attachment 1.

ATTACHMENTS:

1. Draft Opposition Letter to the CCC
2. CCC Staff Report, June 22, 2023



City of Malibu

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June 30, 2023

Re: Malibu Middle and High School (MMHS) Campus Specific Plan Local Coastal Program Amendment (LCPA No. 21-002), Agenda Item 18a for Wednesday, July 12, 2023 CCC Meeting

Honorable Commissioners: The City of Malibu respectfully requests that the Commission deny the one-year time extension request to act on LCPA No. LCP-4-MAL-22-043-1 for the MMHS Campus Specific Plan and direct CCC staff to agendize the item as soon as possible..

The Specific Plan will be implemented in four phases over the next 10 to 15 years. The Specific Plan and associated coastal development permit application for Phase 1 of the campus plan are being funded by a general obligation bond which was passed in November 2018. According to the Santa Monica – Malibu Unified School District (SMMUSD), a one-year extension to act on the LCPA results in a significant construction cost increase for Phase 1 and has the potential to render the project financially infeasible to implement. Phase 1 includes a new high school building, restoration of the environmentally sensitive habitat area (ESHA) and associated development.

In October 2018, the SMMUSD embarked on several public engagement efforts, which included local community charrettes/workshops, several public hearings during the environmental review process, interagency coordination meetings that involved staff from the SMMUSD, the City of Malibu, California Department of Fish and Wildlife, the Regional Water Quality Control Board, the Army Corps of Engineers and the CCC. Moreover, while the City conducted its formal review of the draft LCPA, additional coordination meetings were held with the City of Malibu and the CCC staff to streamline the process.

Although the staff report indicates additional time is needed to analyze the amendment, City staff believes the interagency coordination meetings held with CCC staff has afforded a level of familiarity with the project that renders a one-year time extension unnecessary. The MMHS campus is in dire need of facility improvements and the project has already incurred costly delays because of the Woolsey Fire and the COVID-19 pandemic. Not only does the one-year extension to act on the LCPA affect the implementation of Phase 1, but it also affects the latter phases of the Specific Plan.

City staff remains committed to working with CCC staff to expedite the CCC's consideration of this item. Any assistance you can provide to expedite this process is much appreciated.

Sincerely,

Adrian Fernandez
Assistant Planning Director

cc: Steve McClary, City Manager

CALIFORNIA COASTAL COMMISSION

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W18a

June 22, 2023

TO: California Coastal Commissioners and Interested Parties

FROM: Steve Hudson, District Director

SUBJECT: **City of Malibu Local Coastal Program Amendment No. LCP-4-MAL-22-043-1 (MMHS Campus Specific Plan) Time Extension to be heard at the Wednesday, July 12, 2023 Commission Hearing.**

On October 3, 2022, the City of Malibu submitted the subject amendment request to amend the Land Use Plan (LUP) and Local Implementation Plan (LIP) of the certified Malibu Local Coastal Program (LCP) to incorporate the Malibu Middle and High School Campus Specific Plan into the Malibu LCP.

On April 12, 2023, the Executive Director deemed the City's amendment to be in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510(b). Pursuant to Coastal Act Section 30513 and California Code of Regulations, Title 14, Section 13522, an amendment to the certified LUP must be scheduled for public hearing and the Commission must take action no later than 90 working days from the date the amendment was properly submitted. In the subject case, the 90th working day will be August 18, 2023.

Coastal Act Section 30517 and California Code of Regulations, Title 14, Section 13535(c) state that the Commission may extend the 90 working day time limit for good cause for a period not to exceed one year. Commission staff is requesting an extension to the 90 working day time limit in order to allow adequate time to review and analyze the amendment and to allow greater scheduling flexibility. Although staff believes this matter will be brought to hearing in the near term, extending the deadline will allow for uncertainty in the review process and flexibility for coordination with the City of Malibu, establishing hearing schedules, and managing competing workload items. Therefore, staff recommends that the Commission extend the 90 working day deadline for a full year, as provided by the Coastal Act, to allow the subject amendment to be brought to hearing at a later date.

PROCEDURE

MOTION:

I move that the Commission extend the 90 working day time limit to act on the City of Malibu LCP Amendment No. LCP-4-MAL-22-0043-1 for one year.

STAFF RECOMMENDATION:

Staff recommends a YES vote. An affirmative vote of the majority of the Commissioners present is needed to pass the motion.