

---

## **4. ENVIRONMENTAL IMPACT ANALYSIS**

### **8. LAND USE AND PLANNING**

---

#### **1. INTRODUCTION**

The following section provides an analysis of the Project's physical compatibility with existing land uses in the vicinity of the Project Site and the Project's consistency with applicable State, Federal, regional, and local planning documents and local land use policies and zoning regulations. The Project Site is located within the California Coastal Zone in the City of Malibu and is subject to the City of Malibu General Plan Land Use Element, the Malibu Local Coastal Program (LCP) and associated Local Implementation Plan (LIP), and the City of Malibu Zoning Ordinance. The potential cumulative land use impacts of the Project in conjunction with existing and proposed land use plans and policies and other related projects are also evaluated in this section.

SMC is identified as the Lead Agency for purposes of complying with CEQA, and is the primary public agency responsible for approving this project. As such the EIR will need to be certified by the SMC Board of Trustees. Development of the Proposed Project is subject to a proposed land-lease agreement between SMC and the County of Los Angeles, which owns the property that encompasses the Project Site, and the approval of the each agency (i.e., SMC and the County of Los Angeles Board of Supervisors, respectively). Other approvals, as necessary, will be required in accordance with all applicable laws and regulations. SMC will be required to submit building plans to the Division of the State Architect (DSA) for structural safety, access compliance, and fire and life safety approvals. SMC has also submitted an entitlement request for a Coastal Development Permit to the City of Malibu, which is the local authority responsible for administering coastal development permits pursuant to the California Coastal Act for development projects within the City limits. Additionally, the Project is being proposed under the authority of the Malibu Public Facilities Authority, which was formed on October 12, 2004, through a Joint Powers Authority (JPA) agreement between the City of Malibu and Santa Monica College for the acquisition of property and planning for and operation of public facilities in Malibu.

#### **2. ENVIRONMENTAL SETTING**

##### **a. Regulatory Setting**

##### **(1) State Land Use Plans, Policies and Regulations**

##### **(a) California Coastal Act (CCA)**

The Project Site is located within the California Coastal Zone, which was established pursuant to the Federal Coastal Zone Management Act of 1972 and the California Coastal Act of 1976. These Acts require that planning and development within the Coastal Zone be consistent and compatible with the unique characteristics of coastal resources. To implement these principles, the CCA established several basic goals, including the following:

- a) To protect, maintain, enhance and, where feasible, restore the overall quality of the Coastal Zone Environment;
- b) To assure balanced utilization of Coastal Zone resources;
- c) To maximize public access and recreational opportunities consistent with resource conservation principles and private property rights;
- d) To assure priority for coastal-dependent development over other development; and
- e) To encourage State and local efforts to coordinate planning for mutually beneficial uses.

In order to implement these goals, the California Coastal Commission (CCC) was established as a permanent State coastal management and regulatory agency with the duties of overseeing the State's coastal resources and assisting coastal communities in adopting local regulatory plans that are consistent with the goals and policies of the CCA. The CCC assists local agencies in the preparation of Local Coastal Programs (LCPs) and reviews and certifies LCPs once they are adopted by local jurisdictions. Malibu's LCP was adopted by the CCC on September 13, 2002, and in December 2004, the City gained regulatory authority for development in the City's Coastal Zone.

## **(2) Regional Land Use Plans, Policies, and Regulations**

Regional planning agencies with regulatory control or oversight of planning related issues within the Project area include the Southern California Association of Governments (SCAG), the Los Angeles Regional Water Quality Control Board (LARWQCB), the South Coast Air Quality Management District (SCAQMD), and the Metropolitan Transit Authority (Metro).

### **(a) SCAG**

As related to land use, SCAG is authorized to undertake intergovernmental review for federal assistance and direct federal development pursuant to Presidential Executive Order 12,372. Pursuant to Public Resources Code Sections 21083 and 21087 and State CEQA Guidelines Sections 15206 and 15125(b), SCAG reviews projects of regional significance for consistency with regional plans. SCAG is also responsible for preparation of the Regional Housing Needs Assessment (RHNA), pursuant to California Government Code Sections 65584 to 65584.05. Among other purposes, SCAG's RHNA provides a tool for providing local affordable housing development strategies.

In 2012 SCAG adopted the 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS). The 2012-2035 RTP/SCS is a long-range regional transportation plan that provides a blueprint to help achieve a coordinated and balanced regional transportation system in the SCAG region. The 2012-2035 RTP/SCS includes a policy element that is shaped by goals, policies and performance indicators, an action element that identifies specific projects, programs and implementation, and a description of regional growth trends that identifies future needs for travel and goods movement. Since the Proposed Project is neither a housing development project nor a project of regional significance, no further discussion of the project's consistency with SCAG policies is warranted.

**(b) LARWQCB**

The entire City of Malibu is within the jurisdiction of the LARWQCB, Region 4. The Water Quality Control Plan: Los Angeles Region – Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan) was adopted in 1994 and amended in 2007. This Basin Plan gives direction on the beneficial uses of the State waters within Region 4, describes the water quality that must be maintained to support such uses, and provides programs, projects, and other actions necessary to achieve the standards established in the Basin Plan.

On November 5, 2009, the LARWQCB approved Resolution No. R4-2009-007, which bans the use of septic systems in the Civic Center area. On September 21, 2010, the State Water Resources Control Board (SWRCB) approved that same resolution, thereby amending the State Basin Plan. The Project's compliance with applicable LARWQCB policies and regulations associated with water quality are analyzed in greater detail in Section 4.7, Hydrology and Water Quality, of this Draft EIR.

**(c) SCAQMD**

The Project Site is also located within the South Coast Air Basin (SCAB) and, therefore, falls under the jurisdiction of the SCAQMD. In conjunction with SCAG, the SCAQMD is responsible for formulating and implementing air pollution control strategies. The SCAQMD's AQMP was adopted in 1997 to assist in fulfilling these responsibilities and is intended to establish a comprehensive regional air pollution control program leading to the attainment of State and Federal air quality standards in the SCAB area, which is a non-attainment area. The Final 2012 AQMP was most recently adopted in February 2013. The Project's consistency with the AQMP is analyzed in greater detail in Section 4.2, Air Quality, of this Draft EIR.

**(d) Metro**

Los Angeles County Metropolitan Transportation Authority (Metro) is the regional transportation planner and coordinator, designer, builder and operator for the highways and roadways in Los Angeles County. Metro is responsible for the continuous improvement of an efficient and effective transportation system for Los Angeles County. On October 28, 2010 the Metro Board adopted the 2010 Congestion Management Program (CMP) for Los Angeles County.

The CMP for Los Angeles County was developed in accordance with Section 65089 of the California Government Code. The CMP is intended to address vehicular congestion relief by linking land use, transportation and air quality decisions. Further, the program seeks to develop a partnership among transportation decision-makers to devise appropriate transportation solutions that include all modes of travel and to propose transportation projects which are eligible to compete for State gas tax funds. To receive funds from Proposition 111 (i.e., State gasoline taxes designated for transportation improvements) cities, counties, and other eligible agencies must implement the requirements of the CMP. The Project Traffic Study was prepared in accordance with the County CMP and City of Malibu Guidelines. The

Project's consistency with the CMP for Los Angeles County is analyzed in greater detail in Section 4.11, Transportation and Traffic, of this Draft EIR.

### **(3) Local Plans**

#### **(a) City of Malibu General Plan Land Use Element**

The Land Use Element of the City of Malibu General Plan serves as the principal instrument of land use regulation for all properties and proposed development within the City of Malibu. The Final General Plan was adopted November 20, 1995. The City of Malibu General Plan Land Use Element identifies six goals, as follows:

**LU Goal 1:** The natural and environmental resources of Malibu are protected and enhanced.

**LU Goal 2:** Manage growth to preserve a rural community character.

**LU Goal 3:** Recreational opportunities consistent with the protection of the natural resources and residential character of Malibu.

**LU Goal 4:** Commercial uses and structures in harmony with the rural residential character and natural environment of the community.

**LU Goal 5:** Protect agriculture which requires or is enhanced by Malibu's unique climate.

**LU Goal 6:** Private property rights protected.

The General Plan identifies the existing land uses on the Project Site as Public and Semi Public Facilities.<sup>1</sup> The General Plan land use designation for the Project Site and Malibu Civic Center Site is Institutional (I).<sup>2</sup> The "I" designation accommodates public and quasi-public facilities in the City. This designation includes educational, cultural, athletic, religious, and governmental facilities. The maximum floor-to-area ratio (FAR) for the Project Site shall range from 0.15 to 0.20.

As shown in Figure 4.8-1, Zoning and LCP Land Use Designations, the City of Malibu General Plan Land Use Policy Map, the properties immediately surrounding the Malibu Civic Center Site to the west and north are designated as Community Commercial (CC). The La Paz development site to the east is designated as a Town Center Overlay. Legacy Park to the south is designated for General Commercial (GC), Commercial Visitor Serving 1.

#### **(b) Circulation and Infrastructure Element**

The Circulation and Infrastructure Element contains the following specific goals, policies and objectives pertaining to schools and educational facilities that are directly applicable to the Proposed Project.

---

<sup>1</sup> *City of Malibu General Plan, Exhibit LU-1C, Existing Land Use (1995).*

<sup>2</sup> *City of Malibu General Plan, Figure LU-2(C) Land Use Policy Map Section 2 (1995).*

Goal 3: Schools And Educational Facilities To Serve The Educational Needs And To Ensure The Cultural Vitality Of The City.

Objective 3.1: Public Schools That Are Physically And Functionally Integrated With Their Surrounding Neighborhoods Or Service Areas.

Policy 3.1.1: The City shall encourage location of future school sites which are physically and functionally integrated with their surrounding neighborhoods and community.

Policy 3.1.2: The City shall coordinate with the Santa Monica-Malibu Unified School District to share facilities and programs.

*To implement this policy the City shall:*

Implementation Measure 39: Cooperate with the school and community college districts, to the extent feasible, to secure adequate funding of new school facilities.

Implementation Measure 40: Work with the school and community college districts to coordinate school facility planning and site acquisition.

Implementation Measure 41: Initiate cooperative agreements with SM/MUSD to share facilities and implement educational and recreational programs.

**(c) Malibu Municipal Code (M.M.C.)**

The City of Malibu Zoning Ordinance designates the Project Site for Institutional land uses. Pursuant to M.M.C. Section 17.34.010 (Institutional District, Purpose) “[t]he I district accommodates public and quasi-public uses and facilities in the city. This district includes emergency communications and services, libraries, museums, maintenance yards, educational (private and public) and religious institutions, community centers, parks, and recreational and governmental facilities.” As it pertains to the Proposed Project, wireless telecommunications antennae and facilities and government facilities including police stations are permitted uses in the Institutional Zone. Community centers and educational (non-profit) activities are conditionally permitted land uses. The development standards for the Institutional Zone are set forth in M.M.C. Section 17.40.110, Institutional Development Standards, and are as follows:

**1. Height.**

- a. Structures shall not exceed a maximum height of eighteen (18) feet above natural or finished grade, whichever results in a lower building height, except for chimneys, rooftop antenna, and light standards. The director may issue a development permit, pursuant to the site plan review process of this title, to allow structure height up to twenty-eight (28) feet for flat or pitched roofs.



- b. Flagpoles, satellite dishes, safety railings, elevator shafts, stairwells, church spires, and belfries may be increased up to a maximum of thirty-five (35) feet pursuant to the site plan review process of this title. Roof-mounted mechanical equipment shall be integrated into the roof design, screened, and may project no more than two (2) feet higher than the structure roof height (screens included) if approved through a site plan review pursuant to Section 17.62.040(A).
- c. In no event shall the maximum number of stories above grade be greater than two.
- d. Sports field lighting shall be limited to the main sports field at Malibu High School and subject to the standards of Malibu Local Coastal Program Local Implementation Plan Sections 4.6.2 and 6.5.G.

## **2. Yards/Setbacks.**

- a. Front yard setbacks shall be ten (10) feet from the street easement.
- b. Side yard setbacks shall be five (5) feet; however, when an institutional use is adjacent to a residentially-zoned parcel(s) along a side yard, the setback shall be increased to ten (10) percent of the lot width or ten (10) feet, whichever is greater.
- c. Rear yard setbacks shall be five (5) feet; however, when an institutional use is adjacent to a residentially-zoned parcel(s) along the rear yard, the setback shall be increased to fifteen (15) percent of the lot depth or fifteen (15) feet, whichever is greater.

## **3. Site Development Criteria.**

All proposed institutional construction shall comply with the following site development standards:

- a. **Structure Size.** The gross floor area of all buildings on a given parcel shall be limited to a maximum Floor Area Ratio (FAR) of 0.15, or 15 percent of the lot area (excluding slopes equal to or greater than 1: 1 and street easements). Additional gross floor area may be approved by the City Council, up to the maximum allowed for the parcel under the General Plan, where additional significant public benefits and amenities are provided as part of the project.
- b. **Landscaping and Site Permeability.** Twenty five (25) percent of the lot area (excluding slopes equal to or greater than 1: 1 and street easements) shall be devoted to landscaping. The required five (5) foot landscape buffer around the perimeter of parking areas pursuant to Section 17 .48.050(E)(I) shall count toward the twenty five (25) percent requirement. An additional five (5) percent of the lot area (excluding slopes equal to or greater than 1: 1 and street easements) shall be permeable.

#### **4. Grading.**

Notwithstanding any other provisions of the Municipal Code, grading (total cut and fill) per acre of institutional development is limited to one thousand (1,000) cubic yards as follows:

- a. **Maximum Quantity.** In conjunction with any grading, so that the maximum is not greater than one thousand (1,000) cubic yards (exclusive of remedial grading) cut and fill may be allocated as follows: (i) balanced cut and fill up to one thousand (1,000) cubic yards; or (ii) export of no more than one thousand (1,000) cubic yards; or (iii) import of no more than five hundred (500) cubic yards, where additional grading on site does not exceed five hundred (500) cubic yards in conjunction with any landform alteration so that the maximum is no greater than one thousand (1,000) cubic yards; or (iv) any combination of the above that does not exceed one thousand (1,000) cubic yards.
- b. **Maximum height cut or fill:** six feet in any one wall, or twelve (12) feet for any combination of walls, where a minimum three foot separation exists between walls, except single cuts up to twelve (12) feet in height which are an integral part of the structure are permitted.
- c. **Maximum grade cut or fill:** 3: 1 for areas created for development of structures and open yard areas. Transition slopes may not exceed 2: 1.
- d. **Criteria.** Grading plans shall be submitted for approval with building plans. No grading permits shall be issued until a building permit is approved. Contour grading shall be used to reflect original landform and result in minimum disturbance to natural terrain. Notching into hillsides is encouraged so that projects are built into natural terrain as much as possible.
- e. **Remedial Grading.** Notwithstanding the limitations of this subsection, the director may permit remedial grading. For the purposes of this section, “remedial grading” is defined as grading recommended by a full site geotechnical report approved by the director and city geologist, except that no such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development.
- f. **Exceptions.** Excavation for foundations and other understructure excavation and incremental excavation for basements and safety purposes shall be excluded from grading limitations.

#### **(4) County of Los Angeles**

Grading plans will be submitted to the County of Los Angeles for approval.

##### **b. Existing Conditions**

The Malibu Civic Center is currently improved with 85,260 square feet of developed floor area including a courthouse, the Malibu Public Library, administrative offices and an equipment/maintenance outbuilding for the County of Los Angeles Department of Public Works (Waterworks), a Sheriff’s station, an emergency helipad, and a 70-foot high communications tower, with ancillary antenna and satellite



dishes mounted on a lattice structure tower. A summary of the total developed floor area within the Civic Center complex is provided in Table 4.8.1, Summary of Existing Development within the Malibu Civic Center. A survey of the existing development within the Civic Center and Project Site boundaries is shown in Figure 2.3, Existing Site Survey, in Section 2.0, Project Description. The development of the Malibu Civic Center was completed under the oversight of the County of Los Angeles prior to the incorporation of the City of Malibu. Based on the ALTA/ACMS Survey, the existing Malibu Civic Center property encompasses 427,581 gross square feet and 400,252 net square feet of lot area.<sup>3</sup> As calculated in Table 4.8.2, Existing FAR Within the Malibu Civic Center, the current FAR is 0.17:1.

**Table 4.8.1**  
**Summary of Existing Development Within the Malibu Civic Center**

Land Uses		Gross Floor Area <sup>[a]</sup>	FAR Floor Area <sup>[b]</sup>
<b>Courthouse (vacant)</b>	Main Building	22,526	22,526
	Penthouse	1,714	1,714
	<b>Subtotal Courthouse</b>	<b>24,240</b>	<b>24,240</b>
<b>Library</b>	Main Building	14,515	14,515
	Basement	4,508	0
	Garages	2,118	0
	Penthouse	1,714	1,714
	<b>Subtotal Library</b>	<b>22,855</b>	<b>16,229</b>
<b>Waterworks</b>	Main Building	10,577	10,577
	Garages	1,992	0
	Penthouse	1,714	1,714
	<b>Subtotal Waterworks</b>	<b>14,283</b>	<b>12,291</b>
<b>Sheriff's Station (vacant)</b>	Main Building	16,603	16,603
	Basement	7,279	0
	<b>Subtotal Sheriff's Station</b>	<b>23,882</b>	<b>16,603</b>
<b>TOTAL (Civic Center)</b>		<b>85,260</b>	<b>69,363</b>
<i>Notes:</i>			
<i><sup>[a]</sup> Per Section 2.1 of the Malibu Local Implementation Plan (LIP), "gross floor area" is defined as the sum of the gross horizontal areas of the several floors of a building measured from the interior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than six feet.</i>			
<i><sup>[b]</sup> Per Section 2.1 of the Malibu LIP, for purposes of calculating floor area ratio (the formula for determining permitted building area as a percentage of lot area) the FAR is obtained by dividing the above-ground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land.</i>			
<i>Source: Building Floor area values are as reported by R.P. Laurain &amp; Associates, October 9, 2007.</i>			

<sup>3</sup> Peak Surveys Inc., ALTA/ACSM Land Title Survey, 23525 Civic Center Way, Malibu, CA APN 4458-022-904, dated August 26, 2011.

**Table 4.8.2**  
**Existing FAR Within the Malibu Civic Center**

	<b>Net Lot Area (square feet)</b>	<b>Existing Gross Floor Area (square feet)</b>	<b>Existing Floor Area Ratio (FAR)</b>
County Civic Center (I)	400,252 (9.19 acres)	69,363	0.17

The Malibu Civic Center is a public facility that is owned and controlled by the County of Los Angeles. Because the property was developed prior to the incorporation of the City of Malibu, some features within the Malibu Civic Center property are considered existing non-conforming land uses. For example, the existing emergency communications tower is approximately 70 feet in height, which exceeds the M.M.C.'s allowable height of 35 feet for such structures. Also, the parking stall dimensions within the existing surface parking lots conform to the Los Angeles County standards for standard and compact stall dimensions, rather than the dimensions set for in the M.M.C. Other aspects of the Malibu Civic Center property, such as the amount of permeable paving and landscaped areas within the parking lot have not been assessed with respect to conformity with the City's standards.

In addition to the various municipal land uses occupying the Malibu Civic Center, portions of the Project Site are licensed to four non-governmental land uses: the Malibu Tow Yard, the Malibu Community Labor Exchange (MCLE), the Malibu Farmer's Market, and the Verizon communications equipment on the existing emergency communications tower.

The Malibu Tow Yard is a for-profit company that provides local towing and vehicle impound services for the community. The Malibu Tow Yard occupies an approximate 40,000 square foot fenced-in area within the surface parking lot to the north of the former Sheriff's Station building. The Malibu Tow Yard's administrative services are operated out of a portable trailer.

The MCLE is a non-profit 501(c)3 charity that operates out of a portable trailer office located in the front parking lot of the former Sheriff's Station building. The MCLE operates under the assistance of grants and donations and provides an organized hiring center location for day laborers. The MCLE operates from 6:30 a.m. to 1:00 p.m. Monday through Saturday.

The Malibu Farmer's Market, operated by the Cornucopia Foundation (a non-profit organization), operates under a conditional use permit within the Malibu Civic Center's front parking on Sundays from 10:00 a.m. to 3:00 p.m.

### **3. ENVIRONMENTAL IMPACTS**

#### **a. Methodology**

State CEQA Guidelines Section 15125(d) requires that EIRs discuss inconsistencies between the Proposed Project and applicable general, specific, and regional plans. This section provides an analysis of the Project's potential physical land use impacts based upon the existing development and arrangement of land uses, and the applicable provisions of the M.M.C., the Malibu General Plan, inclusive of the LCP/LIP.

#### **b. Thresholds of Significance**

In accordance with guidance provided in Appendix G of the State CEQA Guidelines, the Project could have a potentially significant impact related to land use consistency if it were to result in one or more of the following:

- a. Physically divide an established community.
- b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- c. Conflict with any applicable habitat conservation plan or natural community conservation plan.

#### **c. Project Impacts**

The Proposed Project involves the redevelopment of a portion of the Malibu Civic Center through a lease agreement between the County of Los Angeles (land owner) and SMC (Project Applicant). The Project Site (see Figure 2.2, Project Site Boundaries, in Section 2.0, Project Description), is limited to the area within the Malibu Civic Center that is delineated on the lease agreement. Areas within the Malibu Civic Center that are not within the boundaries of the proposed lease area are not under the control or operation of SMC and are thus not a part of this Proposed Project.

The Proposed Project includes the proposed demolition of the existing former Sheriff's Station building, and the construction of a new 2-story above-grade, approximately 25,310 square foot educational facility including an approximately 5,640 square foot Community Sheriff's Substation and Emergency Operations and Planning Center on the ground floor. The total proposed developed floor area (FAR) for the proposed Project Site is approximately 0.20 to 1.

SMC is seeking approval of a Coastal Development Permit (CDP) from the City of Malibu to construct and operate the Proposed Project. In conjunction with the CDP request, SMC is seeking approval of three Variances from the M.M.C and LCP: (1) a height variance for the main structure, (2) a height variance for

the emergency communications tower, and (3) a parking variance to deviate from the standard parking stall dimensions.

As the Project Site is located within the Malibu Civic Center, parking for the proposed land uses on the Project Site and the existing land uses within the Malibu Civic Center will be accommodated within a shared parking lot. The Proposed Project will provide the required quantity of parking for the proposed community college and Sheriff's Station land uses within the Project Site pursuant to the MMC and LIP parking rates. However, the Malibu LIP specifies that standard parking stall dimensions should be a minimum of nine feet by twenty feet. The Parking Guidelines of the County of Los Angeles, on the other hand, specify that parking stall dimensions may be eight feet by fifteen feet for compact spaces and eight and one-half feet by eighteen feet for standard spaces. As a majority of the parking stalls in the Civic Center parking lot are located outside the boundaries of the Project Site, the Applicant is seeking to conform to the County of Los Angeles parking stall dimensions for continuity. This request will allow the parking stalls within the Project Site to be consistent with the parking stall dimensions within the remaining portions of the Malibu Civic Center parking lot that are located outside of the Project Site. Accordingly, the Applicant is seeking a variance from Section 3.12.5D of LIP Section 3.12.5D, to permit the dimensions of the parking stalls on the Project Site to be striped according to the County of Los Angeles parking stall dimensions while still providing the quantity of parking spaces per the MMC and LIP parking rates. Parking stall dimensions are not "adopted for the purpose of avoiding or mitigating an environmental effect."

### **Consistency Analysis with the M.M.C.**

#### ***Permitted Uses***

Pursuant to Section 17.34.020 of the Malibu Municipal Code, government facilities including police and fire stations and government offices are permitted uses within the Institution Zoning District. Wireless telecommunications antennae and facilities are also permitted uses (pursuant to the provisions of Chapter 17.46 and Section 17.62.040) that comply with the most restrictive design standards set forth in Section 17.96.070. The proposed public educational institutions, community center and accessory uses when part of an educational or non-profit use (noncommercial), and educational (non-profit) activities are conditionally permitted uses in the Institutional Zoning District.

#### ***Height***

##### ***Building Height***

As discussed above, the City's LIP provides that structures in the Institutional Zone shall not exceed a maximum height of 18 feet above natural or finished grade, whichever results in a lower building height, except for chimneys and rooftop antenna. The maximum height of the structure may be increased up to 28 feet for a flat or pitched roof if approved through a site plan review pursuant to Section 13.27 of the Malibu LIP. Flagpoles, satellite dishes, safety railings, elevator shafts, stairwells, church spires, and belfries may be increased up to a maximum of 35 feet if approved through a site plan review pursuant to Section 13.27 of the Malibu LIP. The base height of the proposed building is 28 feet above natural

finished grade; however, portions of the structure's pitched roof reach to a height of 35' – 10" above finished grade and would exceed the height requirements of the Institutional Development Standards. The architectural design of the Proposed Project and resulting building height is necessary to accommodate the passive heating and cooling ventilation system that is proposed for high occupancy areas typically associated with educational lecture rooms and assembly areas in an effort to reduce energy demands of a traditional HVAC system. For this reason, SMCCD is seeking a height variance from Section 3.9 of the Institutional Development Standards as part of the Coastal Development Permit process.

Recognizing the Institutional zoning designation, and the types of iconic and/or unique architectural styles that are commonly used to distinguish civic, institutional or cultural-oriented structures from traditional commercial buildings, Section 3.9 (b) of the LCP permits architectural features such as flagpoles, satellite dishes, safety railings, elevator shafts, stairwells, church spires, and belfries to a maximum height of 35 feet through a site plan review. The items contained on this listing of permitted architectural projections was not "adopted for the purpose of avoiding or mitigating an environmental effect." The architectural design of the Proposed Project appears to be consistent with the intent of this code provision. Although the proposed structure does not include the specific exclusionary architectural elements that would qualify for a 35-foot height limit, the roof is characterized with a unique waveform roofline that slopes upward to a height of 35' – 10" at its highest point. The majority of the building mass is below the 28-foot base height limit. The sloped roofline is designed to add architectural interest and an iconic mark to the proposed community college facility, but is also required as part of a passive ventilation system in an effort to meet SMC's stringent energy conservation standards. SMC's sustainability specifications encourage its projects to be designed to maximize LEED points to the extent feasible. Because of the Proposed Project's location in the Coastal Zone, the Project Site affords the unique benefit of utilizing a passive ventilation system to cool interior spaces and circulate airflow in rooms designed for high occupancy loads. An illustration of the proposed natural convection ventilation system is provided in Figure 2.24, Sustainability Features, in Section 2, Project Description. Adhering to the 28-foot height limit would preclude the use of a natural ventilation system and would increase the building's operational energy demands. With approval of the requested variance, the Proposed Project would be in compliance with the policies and procedures of the M.M.C. Moreover, the specification of permitted architectural projections was not "adopted for the purpose of avoiding or mitigating an environmental effect." Thus, the land use impacts of the Project's sloping roof would be less than significant.

#### *Replacement Emergency Communications Tower*

The existing 70-foot high communications tower was built prior to the incorporation of the City of Malibu and is considered a non-conforming use. The communication tower is a key safety requirement associated with the City of Malibu and Los Angeles County's Sheriff Substation and emergency operations. The applicable development standards for communication towers provides that flagpoles and satellite dishes up to a maximum height of 35 feet are permitted in the Institutional Zone through the Site Plan Review process. The proposed communications tower is 75 feet high above grade, five feet higher than the existing tower. The Applicant is seeking a Variance from Section 3.14, Wireless

Telecommunications Antennae and Facilities, of the City of Malibu's Local Implementation Plan as part of the Coastal Development Permit process. As described in Section 2.0, Project Description, the requested variance is sought as a matter of public safety as the proposed tower is replacing an existing communications facility that is vital to the emergency support and operations of the County's emergency response system. The additional five feet in height is also necessary to provide additional capacity to support new equipment to the tower, extending its lifetime and preventing overcrowding. With approval of the requested variance, the project would be in compliance with the policies and procedures of the M.M.C. The height of the monopole communications tower does not create any environmental effects. Thus, the land use impacts of the communications tower would be less than significant.

### ***Yards/Setbacks***

The Proposed Project would be consistent with the required yards and setbacks for the Institutional Zone. As shown in Figure 2.4, Proposed Site Plan, the building footprint is set back approximately 207 feet from the street easement and approximately 157 feet from the front property line. In the westerly side yard, the building footprint is set back approximately 83 feet from the property line. The easterly side yard is approximately 52 feet wide as measured from the building footprint to the Project Site's eastern boundary adjacent to the County Public Waterworks building. The rear yard is approximately 104 feet from the building footprint to the Project Site's northerly boundary and a total of approximately 212 feet as measured from the Civic Center property line. As designed, the Proposed Project would be consistent with the Institutional Zone yard and setback requirements.

### ***Site Development Criteria.***

#### ***Floor Area***

The Proposed Project includes the proposed demolition of the existing former Sheriff's Station building, and the construction of a new 2-story above-grade, approximately 25,310 square foot educational facility including an approximately 5,640 square foot Community Sheriff's Substation and Emergency Operations and Planning Center on the ground floor. With respect to allowable floor area, the gross floor area of all buildings on a given parcel is allowed up to a maximum FAR of 0.20:1 where significant public benefits and amenities are provided as part of the Proposed Project. The Proposed Project would provide significant public benefits and amenities in the form of the proposed land uses and public services being introduced to the Project Site, which would qualify the Project to be built to a 0.20:1 FAR. The following public benefits will be provided by the Proposed Project:

- The proposed use is a public community college facility which will provide educational services for the local community;
- The Project will include a Sheriff's Substation which will provide more timely and increased service capacity and will support additional staffing for local police services to replace the Sheriff's Station that was abandoned in the 1990s;
- The Proposed Project also proposes an interpretive center to support Legacy Park or other programs to highlight Malibu's unique coastal environment and cultural history; and

- The Project includes a multi-purpose room which will be available for community meetings.

Because the Proposed Project consists of a Project Site defined by a land lease within the larger Malibu Civic Center complex, a calculation and analysis of the allowable floor area was conducted for two scenarios: (1) the Project Site alone, and (2) the Malibu Civic Center, inclusive of the Project Site. This analysis demonstrates that the proposed floor area would not cause any new non-conforming FAR conditions within the Civic Center property. As shown in Table 4.8.3, below, the total net lot area of the Malibu Civic Center is approximately 400,252 square feet, which at a 0.2:1 FAR results in a development potential of 80,050 square feet of floor area. The total proposed floor area for the Project Site is 25,310 square feet, resulting in an approximate FAR of 0.20:1. The total existing developed floor area within the Malibu Civic Center excluding the Project Site is 52,760 square feet, which results in a FAR of 0.19:1. The combined floor area within the entire Civic Center complex, inclusive of the Project Site, would be 78,070 square feet, which results in a FAR of just under 0.20:1. Thus, the Proposed Project would be consistent with the allowable development size as permitted for the Institutional Zone.

**Table 4.8.3**  
**Proposed FAR Calculations**

<b>Proposed Lots</b>	<b>Lot Area (Net sf)</b>	<b>Allowable FAR @ 0.20:1 FAR</b>	<b>Proposed Floor Area (sf)</b>	<b>Proposed FAR</b>
County Civic Center	271,752 sf	54,350 sf	52,760 sf	0.19:1
Proposed Project Site	128,500 sf	25,700 sf	25,310 sf	< 0.20:1
<b>Project Site + Civic Center</b>	400,252 sf	80,050 sf	78,070 sf	< 0.20:1

#### *Landscaping and Site Permeability*

As shown in Figure 2.4, Proposed Site Plan, the Proposed Project will be improved with approximately 34,354 square feet of landscaped area. Approximately 29,984 square feet of landscaping will be provided on the ground level and approximately 4,370 square feet will be provided on the proposed green roof (see Figure 2.7, Roof Plan). Based on a lot area of 128,500 square feet and a standard to provide a minimum landscaped area of 25 percent of the total lot area, approximately 32,125 square feet of landscaped area is required to comply with the M.M.C. The Proposed Project's landscape plan exceeds this requirement by approximately 2,229 square feet, which would result in a landscaped coverage of approximately 27 percent. The Code also requires approximately five percent of the total lot area to consist of permeable paving. The Proposed Project would provide 6,430 square feet of permeable pavement coverage, which is five percent of the total lot area. Therefore, the Proposed Project would be consistent with the landscaping and site permeability standards of the M.M.C.

### *Grading*

Based on the Total Grading Yardage Verification Certificate dated June 15, 2014, grading for the Proposed Project is estimated to include 23,000 cubic yards (cy) of soil, including 9,400 cy of cut and 13,600 cy of fill. The grading plan requires excavation of the foundation and basement level of the existing Sheriff's Station that is proposed for demolition. Approximately 4,200 cy of soil is anticipated to be imported during the earthwork phase. Because the grading is required to remove existing foundations, the grading is exempt from the 1,000 cy threshold.

### **Consistency Analysis with the General Plan Land Use Element**

The Proposed Project is consistent with the development standards and allowable land uses established by the City of Malibu General Plan, Land Use Element. All of the proposed land uses are consistent with the allowable and intended land uses for the Institutional Land Use Designation. As stated above, the Proposed Project would result in an overall FAR of 0.20, which does not exceed the maximum allowable FAR for Institutional land uses as identified in the Land Use Element. Since the Proposed Project would be consistent with the allowable land use and permitted density for development identified in the Land Use Element of the General Plan, land use consistency impacts would be less than significant.

### **Consistency Analysis with the LCP**

The Institutional Development Standards of the LCP are provided in the Local Implementation Plan (LIP) Section 3.9. The Institutional Development Standards were recently amended to be consistent with the provisions of M.M.C. Section 17.40.110 as discussed above. Thus, as previously discussed, the Proposed Project is generally consistent with the development standards for the Institutional Zone with respect to floor area, setbacks, landscaping and permeability requirements, and grading. With respect to the height standards, the Proposed Project will necessitate a variance to exceed the 28-foot base height limit for the construction of a sloped roof with a peak height of 35' – 10" high as proposed, and to replace the existing communications tower with a new monopole structure approximately 75 feet in height. With approval of the requested variances, the Project will be consistent with the policies and procedures of the LCP. No environmental protection aspects of these land use standards are affected, and no adverse land use impacts would occur.

Parking regulations are addressed in Section 3.12 of the Malibu LCP. In accordance with Section 3.12.3, Specific Parking Requirements, the parking standards for the proposed uses would require a total of 189 parking spaces, including 179 spaces for the proposed community college uses and 10 spaces for the Sheriff's Substation. The Proposed Project includes 189 parking spaces and will thus comply with the minimum parking requirements for the proposed uses for the SMC lease parcel. A summary of the Code required spaces that are required pursuant to the Malibu LCP is provided in Table 4.8.4, below.



**Table 4.8.4  
Required and Proposed Parking Plan**

<b>Parking Required</b>				
<b>Proposed Project</b>	<b>Proposed Floor Area (sf)</b>	<b>Parking Ratio (spaces/unit)</b>	<b>Unit</b>	<b>Total</b>
Community College (210 FTE)	19,670	0.85	/FTE Student	179
Sheriff's Station (10 staff)	5,640	1	/employee	10
	<b>25,310</b>			<b>189</b>

The Proposed Project is located within the existing Civic Center property which is owned and operated by the County of Los Angeles. The Project Site shares a common parking lot with the existing uses that are currently operating within the Civic Center, and are not a part of the Proposed Project. All of the existing stalls and parking areas within the Civic Center property are striped in accordance with the County of Los Angeles Parking Guidelines. Although the Proposed Project would comply with the parking standards of the City of Malibu LCP with respect to the number of spaces and the ratio of standard to compact stalls, the Applicant is seeking relief from Section 3.12.5, Development Standards, Subsection D, Layout and Paving, Item 7, as it operates to stall dimensions. Section 3.12.5.D states:

7. *Parking stalls shall be at least nine feet by twenty feet minimum, and shall be marked with lines or indicated with special paving materials. The access lanes shall be clearly defined and shall include directional arrows to guide internal movement traffic. Compact parking spaces are permitted, but shall not exceed twenty percent of the total number of required spaces. Compact stalls shall be a minimum of eight feet by fifteen feet six inches and shall be marked for compact use only.*

In lieu of the above standard stall dimensions, the Applicant is seeking approval to delineate the standard parking stalls in accordance with the prevailing Los Angeles County Guidelines for Designing a Commercial Project, which requires standard parking stalls to be 8.5 feet wide by 18 feet deep and compact stalls to be 8 feet wide by 15 feet deep. As compared to the Malibu LCP dimensions, the Los Angeles County Design Guidelines for standard stalls are one-half foot narrower and two feet shorter. The dimensions of the compact stalls are the same under both the City and County regulations. With approval of a Parking Variance, the Proposed Project's parking stalls would be uniform and consistent with the remainder of the stalls within the County's parking lot that is not a part of the Project and not subject to the Coastal Development Permit process under this application. With approval of the requested variance, the Project would be in compliance with the policies and procedures of the LCP. Moreover, minimum parking space dimensions are not an environmental issue, and land use impacts of a variance for the parking space dimensions to be based on the County's stall dimension standards would be less than significant.

### **Civic Center Complex Parking**

While the areas within the County Civic Center complex located outside of the Project Site are not subject to the CDP process for this Project, a code-required parking analysis was prepared to for informational purposes to demonstrate that the parking supply for the entire Civic Center complex would meet the City of Malibu LCP parking requirements if the County Civic Center complex was analyzed as a single use. As shown in Table 2.3, Proposed Parking Summary, in Section 2.0 Project Description, the Code required parking for the Project Site and entire Civic Center complex would satisfy the code requirements. The Proposed Project's parking demand is 189 spaces, and 189 spaces would be provided within the Project Site. Within the County portion of the Civic Center complex, the remaining land uses would require 191 parking spaces and 200 parking spaces would be provided. Upon completion of the Proposed Project there would be 110 County-controlled parking spaces in the area of the front lot that is outside the boundaries of the proposed SMC lease parcel. A total of 90 spaces would remain in the back lot. Thus, the code analysis shows that there would be a total of 380 spaces required and 389 spaces would be provided. Thus, a surplus of 9 parking spaces would be provided above what is required by the code.

### **Consistency with California Coastal Act**

With procurement and approval of a CDP from the City of Malibu, pursuant to the provisions of the Malibu LCP, and upon effective certification of the EIR by the SMC Board of Directors and the Malibu City Council, development of the Proposed Project would be considered consistent with the Coastal Act policies and requirements. No further development approvals would be necessary through the Coastal Commission.

## **4. CUMULATIVE IMPACTS**

A "cumulative impact" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental effects.<sup>4</sup> Pursuant to Section 15130(a) of the State CEQA Guidelines, an EIR must discuss the cumulative impacts of a project when the project's incremental impacts are cumulatively considerable. An impact is considered "cumulatively considerable" when the incremental impacts of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.<sup>5</sup> When the lead agency is examining a project with an incremental effect that is not "cumulatively considerable," the lead agency need not consider that effect significant, but must briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

Pursuant to CEQA Guidelines Section 15130(b)(1)(A) and (B), an adequate discussion of a project's significant cumulative impact, in combination with other closely related projects, can be based on either: (1) a list of past, present, and probable future producing related impacts; or (2) a summary of projections contained in an adopted local, regional, or statewide plan, or a related planning document that describes conditions contributing to the cumulative effect. The lead agency may also blend the "list" and "plan"

---

<sup>4</sup> *CEQA Guidelines Section 15355.*

<sup>5</sup> *CEQA Guidelines Section 15065(a)(3).*

approaches to analyze the severity of impacts and their likelihood of occurrence. For purposes of assessing the Project's cumulative impact with respect to land use and planning, the analysis below is appropriately based on a plan-based approach to determine the Project's contributing effect on potential cumulative impacts on land use and planning. The plan approach is appropriate for the land use analysis because the focus of this section is consistency with existing adopted plans, policies and development regulations. To the extent the Proposed Project does not include or require a request for a zone change or amendment to the General Plan or Local Coastal Program, the land use impacts resulting from Project implementation would be less than cumulatively considerable.

Development of the related projects is expected to occur in accordance with adopted plans and regulations. Most related projects would be compatible with the zoning and land use designations of each site and their existing surrounding uses. Cumulative development of the related projects would result in an intensification of existing prevailing land uses in the Project area. However, based upon information available regarding the related projects, it is reasonable to assume that projects that are proposed or under consideration in the surrounding area would be consistent with local and regional planning goals and policies. To the extent any such projects are not consistent with the existing code or plans, such impacts would be addressed on a case-by-case basis. Therefore, the Proposed Project's cumulative land use impacts would be less than significant.

## **5. MITIGATION MEASURES**

No mitigation measures are required.