

**Santa Monica-Malibu Unified School District
Board of Education Meeting
ADDENDUM TO THE AGENDA**

April 20, 2017

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Closed Session

ADD: New item on the closed session agenda

- Government Code §54957
PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT
 - Title: Director

CONSENT ITEMS

DISCUSSION ITEMS

MAJOR ITEMS

A.43 Adopt Resolution No. 16-30 – Exemption of the Revised Malibu Middle and High School Campus Impairment Project from the City of Malibu Zoning Code

ADD: New item (pages 2-5 of this addendum)

INFORMATION ITEMS

SW

TO: BOARD OF EDUCATION
FROM: BEN DRATI / JANECE L. MAEZ / CAREY UPTON
RE: ADOPT RESOLUTION NO. 16-30 – EXEMPTION OF THE REVISED MALIBU MIDDLE AND HIGH SCHOOL CAMPUS IMPROVEMENT PROJECT FROM THE CITY OF MALIBU ZONING CODE

ACTION/MAJOR
04/20/17
ADDENDUM

RECOMMENDATION NO. A.42

It is recommended that the Board of Education (“Board”) adopt Resolution No. 16-30 to exempt the Malibu Middle and High School Campus Improvement Project (“Project”) from the City of Malibu Zoning Code.

DISCUSSION:

On March 23, 2017, the Santa Monica-Malibu Unified School District (“District”) approved the option of replacing Building E as part of the Malibu Middle and High School Campus Improvement Project (“Project”). The “Original Project” included interior renovations of Building E, including the modernization of 10 classrooms and construction of two new classrooms. Due to the Malibu Middle and High School being within the California Coastal Zone, the District obtained a Coastal Development Permit and other entitlements from the City of Malibu (“City”) for the Original Project on March 18, 2013. The Coastal Development Permit was appealed to the California Coastal Commission, and upon resolution of the appeal, the California Coastal Commission reissued the Coastal Development Permit in June 2016.

The District revised the Original Project to include the replacement of Building E with a two-story classroom building containing the same number of classrooms, 12, as the Original Project (“Revised Project”). The Revised Project also includes two exterior stairs, and an entry with elevator tower with associated exterior courtyards. The construction of the Revised Project is scheduled to begin with demolition in June 2017 in order to meet the Court ordered deadline to fully remedy PCBs from the campus’ buildings. Due to the jurisdictional split between the City of Malibu and the California Coastal Commission, the District is now required to obtain a Site Plan Review and Administrative Plan Review from the City of Malibu.

The City has notified the District that the Revised Project does not meet their geotechnical requirements for a slope adjacent to Building E. However, the California Geological Survey, which has state jurisdiction over the Revised Project, found that the Revised Project has been designed to state geological safety standards and opined nothing further is required. Due to the construction schedule of the Revised Project, unless exempted from the City’s zoning ordinances, the Revised Project would be subject to undue delay that would likely significantly hamper, interfere with, or jeopardize the viability of the Revised Project.

Per Government Code section 53094, the California Legislature has authorized school districts to exempt themselves from local zoning codes for educational facilities. Since the City of Malibu has an adopted general plan and its zoning code provides for the location of public schools, per Government Code section 53094(b), the District must adopt a resolution by a two-thirds’ vote of the Board members to exempt the Revised Project from the City’s zoning code, which includes Malibu’s General Plan.

Section 53094’s requirement for compliance with Government Code section 65352.2 and Public Resources Code section 21151.2 are not applicable here since the Revised Project is not a new school site or an expansion of an existing school site, as the Revised Project is entirely contained within the school’s existing campus.

If Resolution No. 16-30 is adopted, Government Code section 53094(c) requires the Board to notify the City of Malibu within ten (10) days of adoption. Thus, staff requests the Board to direct the Assistant Superintendent to give such notice to the City of Malibu.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

RESOLUTION NO. 16-30

**EXEMPTION OF THE REVISED MALIBU MIDDLE AND HIGH SCHOOL CAMPUS
IMPROVEMENT PROJECT FROM THE CITY OF MALIBU ZONING CODE**

WHEREAS, the Santa Monica-Malibu Unified School District (“District”) approved the Malibu Middle and High School Campus Improvement Project, which included interior renovations of Building E, including the modernization of 10 classrooms and construction of two new classrooms (“Original Project”);

WHEREAS, due to the Malibu Middle and High School being within the California Coastal Zone, the District obtained a Coastal Development Permit, and other entitlements from the City of Malibu (“City”) on March 18, 2013. The Coastal Development Permit was appealed to the California Coastal Commission, and upon resolution of the appeal, the California Coastal Commission reissued the Coastal Development Permit in June 2016;

WHEREAS, the District revised the Original Project to include the option of replacing Building E with a two-story, 12-classroom building with two exterior stairs, and an elevator tower with associated courtyards and a ramp (“Revised Project”);

WHEREAS, on March 16, 2017, the District conducted a public meeting on the Revised Project where all commenters expressed unfettered support;

WHEREAS, CEQA clearance of the Revised Project has been completed by the District’s adoption of Resolution No. 16-27 approving the Environmental Impact Report Addendum for the Revised Project, Amended Mitigation Monitoring and Reporting Program, and the Revised Project on March 23, 2017. Construction of the Revised Project is scheduled to begin with demolition in June 2017 in order to meet the Court ordered date to have all PCBs fully remediated at the campus;

WHEREAS, due to the jurisdictional split with the City and the California Coastal Commission, the District is now required to obtain a Site Plan Review and Administrative Site Plan review from the City;

WHEREAS, Government Code section 53094(b) expressly authorizes the District to exempt the Revised Project from the City’s zoning code and permit requirements by a two-thirds’ vote of the District’s Board members;

WHEREAS, the Revised Project involves educational facilities within the meaning of Government Code section 53094(b);

WHEREAS, the District has unique expertise in educational programs and is best suited for designing facilities to serve the District’s schools in Malibu;

WHEREAS, the California Division of the State Architect reviews and approves the plans and specifications of school facilities and oversees the construction of school facilities, including the Revised Project;

WHEREAS, the City has notified the District that the Revised Project does not meet their geotechnical requirements for a slope adjacent to Building E. However, the California

Geological Survey, which has state jurisdiction over the Revised Project, found that the Revised Project has been designed to state geological safety standards and opined nothing further is required;

WHEREAS, due to the construction schedule of the Revised Project, the City of Malibu's zoning code, ordinances, and General Plan unduly hampers and interferes with the Revised Project;

WHEREAS, the Revised Project would suffer undue delay unless the Revised Project is exempted from the City of Malibu's zoning code, zoning ordinances, General Plan, and permitting requirements; and

WHEREAS, school facilities are an integral, important part of the education of the District's students.

NOW, THEREFORE, BE IT RESOLVED, for good and sufficient cause based on the whole of the record of proceedings, the Santa Monica-Malibu Unified School District Board of Education ("Board") hereby finds the Revised Project to be an educational facility and exempts the Revised Project from the City of Malibu's zoning code, zoning ordinances, General Plan, and all permitting conditions and prohibitions that would otherwise apply to the Revised Project.

BE IT FURTHER RESOLVED that the Assistant Superintendent is directed to serve notice of this action upon the City of Malibu within ten (10) days.

PASSED AND ADOPTED by the Santa Monica-Malibu Unified School District of Los Angeles County Board of Education at its meeting held on this 20th day of April 2017.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Laurie Lieberman, President
Board of Education

I, Dr. Ben Drati, Secretary of the Board of Education of the Santa Monica-Malibu Unified School District, do certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Education at its regular meeting held on April 20, 2017.

Dr. Ben Drati, Superintendent
Santa Monica-Malibu
Unified School District