CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

ADDENDUM

DATE: August 5, 2008

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 21c, Thurs., August 7, 2008, Pepperdine Univ. NOID 1-08

The purpose of this addendum is to 1) attach correspondence to the Commission received from a Malibu Country Estates resident (Exhibit 1), and 2) make the following correction to Section IV.A (Project Description and Background) on page 6 of the staff report, as well as in the first paragraph of the Summary of Staff Recommendation on page 1 of the staff report (additions are underlined; deletions are shown in ~~strike-out~~):

Page 6:

A. Project Description and Background

The impending development consists of a renovation and expansion of the existing Firestone Fieldhouse gymnasium building on the Malibu Campus of Pepperdine University (Exhibits 1-2). The project includes an 18,000 sq. ft. addition on the east side of the existing structure for expansion of the gymnasium, and a 7,992 sq. ft. addition on the west side of the structure for exercise rooms, weight rooms, and a terrace (Exhibits 2-5). The construction of a 20-ft. wide, 160-ft. long access road between the proposed east addition and the parking lot to the south of the facility is also proposed for use during construction. The University has indicated that the road will be retained after construction although it does not provide vehicular access to any parking area. ~~The additions will have a maximum height of forty (40) feet, which is equivalent to that of the existing structure.~~ The existing Fieldhouse structure has a maximum height of 42 feet. The proposed additions are primarily 40 feet in height, except for a portion of the proposed west side addition, which is 42 feet in height and consistent with the maximum height of the existing recreational facility. The project would involve approximately 4,300 cu yds. of grading (4,000 cu. yds. cut, and 330 cu. yds. fill). Two native oak trees are located in close proximity to a pathway that will be improved near the proposed east addition (Exhibit 6). However, the development will not require removal or significant encroachment of these trees. The proposed additions to the Firestone Fieldhouse are situated within an existing developed area of the campus and will not adversely impact visual resources, environmentally sensitive habitat, or open space resources.

Page 1 (Summary of Staff Recommendation):

The impending development consists of a renovation and expansion of the existing Firestone Fieldhouse gymnasium building on the Malibu Campus of Pepperdine University. The project includes a 18,000 sq. ft. addition on the east side of the existing structure for expansion of the gymnasium, and a 7,992 sq. ft. addition on the west side of the structure

for exercise rooms, weight rooms, and a terrace. ~~The additions will have a maximum height of forty (40) feet, which is equivalent to that of the existing structure.~~ The existing Fieldhouse structure has a maximum height of 42 feet. The proposed additions are primarily 40 feet in height, except for a portion of the proposed west side addition, which is 42 feet in height and consistent with the maximum height of the existing recreational facility. The project would involve approximately 4,300 cu yds. of grading (4,000 cu. yds. cut, and 330 cu. yds. fill). The project would not increase the enrollment at the University, nor would it change the overall number of parking spaces available on the campus.

Benjamin Efraim

1323 Lincoln Blvd, Suite 200, Santa Monica, CA 90401

Tel 310-394-3622 Fax 310-394-3622 Email benjamin@beptal.com

July 28, 2008

California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, California 93001
Attn: John Ainsworth, Deputy Director; Steve Hudson, South Ventral Coast District Manager; Barbara Carey, Supervisor, Planning and Regulation; Deanna Christensen, Coastal Program Analyst

RE: Pepperdine University Notice of Impending Development (NOID) 1-08

Dear Ladies and Gentlemen :

I am in receipt of your July 22, 2008 "Public Notice" in connection with the above matter, which is set for August 7, 2008 in the City of Oceanside, for which I thank you.

Since I will be out of the Country on August 7 and hence unable to personally attend the Public Hearing and share my sentiments based on my experience with Pepperdine's conduct, I have instead enclosed a copy of the May 30, 2008 letter from me to the Ventura County Department of Regional Planning. Please note that my letter erroneously noted 500+ homeowners in that subdivision. The correct number is 109 homeowners in Malibu Country Estates ("MCE") that abuts the Pepperdine Campus.

For the past five years, my family and I have lived adjacent to the Campus, almost directly across the swimming pool and the proposed expansion(s). We have endured noise at all odd hours: 5:30 / 6:00 AM to past mid-night even on Sundays and Holidays. Our peace and quite has been interrupted many times by the loud and disruptive activities across John Tyler Drive at the Campus. I have made numerous appeals to Pepperdine through letters, emails, telephone calls and meetings in order to address these concerns. While Pepperdine believes they are addressing concerns of the neighbors, the fact remains that such problems are routine and continue.

After five plus years of pleas and requests, both as an individual homeowner and as a MCE Board Member, I have no confidence that Pepperdine is able or willing to conduct its activities with existing location and size of its facilities without further disrupting our lives with noise, congestion, traffic, etc. By expanding existing facilities and or adding to same, we are convinced that the current level of disruption to our lives will only increase.

On behalf of my family, neighbors and Malibu Country Estates, I respectfully request that the California Coastal Commission not approve Pepperdine's request unless strict conditions of approval are implemented, with strong enforcement language, to alleviate existing and future noise, traffic and congestion problems. Any conditions should have "teeth" such that the residents should not have to police the applicant to ensure compliance and if applicant fails to comply with conditions of approval strong disciplinary measures may be instituted to ensure future compliance.

Malibu Country Estates has formed a committee and task force to provide suggestions and work with you, the Planning Department and Pepperdine to reach a compromise solution and set forth recommendations for conditions of approval.

Thank you in advance for your attention and anticipated cooperation.

Sincerely;

Benjamin Efraim.

Encl.

BE-WdP-Ltrhd-Bus

Exhibit 1
Pep NOID 1-08
Correspondence
3.

Benjamin Efraim

1323 Lincoln Boulevard Suite 200 Santa Monica CA 90401-1705
Tel 310-394-3622 Fax 310-394-3722 Benjamin@BEPTAL.com

May 30, 2008

County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012-3225
Attn: Mr. Kim Szalay, Supervising Regional Planner

RE: Pepperdine University Campus Project No. R2007-03064-(3)
Conditional Use Permit, Parking Permit and
Environmental Review ("Project")

Dear Mr. Szalay and Mr. Dea,

My family and I have been neighbors of the Pepperdine University Campus (the "Campus") since 2003. We reside at Forest Gate Circle, one of the many homes that abut John Tyler Drive and the Campus.

On behalf of my family, many of my neighbors and other residents at MCE who have voiced concerns similar to mine, I would like to comment on the proposed Project at the Campus., which I trust will be addressed within the context of the EIR.

These comments, suggestions, observations and recommendation are primarily based on information provided by Pepperdine University ("Pepperdine"), your Department's April 21, 2008 circular describing the various components of the Project, the Scoping Meeting held in May 2008 at the Malibu Jewish Center and discussions with various MCE homeowners and neighbors.

Since the scope and design of the proposed Project and or its various components have not been finalized and additional information requested from Pepperdine has not been furnished, I reserve the right to provide additional comments as more details and information is made available.

The proposed increased Student Housing, addition of Parking Spaces within Parking Structures, Consolidation of Pepperdine Facilities, Offices and Student Activities within new and or enlarged structures, as well as increasing the seating capacity and scope of activities at the Firestone Fieldhouse and the Athletics/Events Center negatively impact the quality of life of the five hundred plus single family residences at MCE.

According to Pepperdine its proposed Project is designed to significantly upgrade, improve and enhance the physical facilities that serve its student population, to improve the campus life experience and provide an experience comparable to similar educational institutions in terms of athletic facilities and sporting events.

While the residents and homeowners at MCE, including my family and immediate neighbors may have anticipated certain activities that take place at a university campus to be "par for the course" when residing in close proximity to Pepperdine, I can assert with a high degree of certainty that no one envisioned that our largest neighbor would propose continuous

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expansion of its facilities, enlarging of buildings, addition of buildings, increased student housing, increased staffing, increased parking, increased vehicular traffic, increased congestion, increased air pollution, construction noise and dust over a period of many years, as well as other adverse conditions.

While Pepperdine's goal of "updating and improving" an aging campus might be beneficial and necessary for its continued success, these Enhancements should not adversely impact the very fabric of the residential community adjacent to the Campus.

Nearly all of the Components referenced in your April 21, 2008 circular increase pedestrian and vehicular visits and traffic along John Tyler drive, which in turn result in more noise, traffic, activities, converging of students and service personnel associated with deliveries, setting-up, dismantling and servicing equipment and systems used in the operation of the facilities/buildings and during special events or sporting events.

We live next to Pepperdine. We hear the cars, the delivery trucks and the people who visit the existing structures along John Tyler Drive daily. We are confronted with the noise and disruption to our lives during the early morning activities and late evening activities across the street. Delivery trucks that arrive and crews that start activities before 7:00 AM and those well past 10:00 PM. Students converge along John Tyler at or near the facilities, before and after events, play loud music, honk their horns or carry on conversing during the early morning hours or late nights. We hear them outside our window, regularly.

The Project would generate significantly more noise which would directly impinge upon our right of quite enjoyment and our quality of life. This is a small quaint residential neighborhood in a small suburban City, and as such our lives and lifestyles should not be compromised to accommodate Pepperdine's Project as proposed.

The amount of added traffic that will be generated along John Tyler Drive, not only from vehicular ingress and egress to the various existing and proposed facilities, but from pedestrians visiting the many venues along John Tyler Drive will result in further deterioration of our quality of life, increase pollution generated by the additional vehicular trips by the 650+ added student housing units, by the 1800+ seats added to the Athletics/Events Center and by all students, employees, staff and visitors who are served at these facilities.

Pepperdine's Project is not only proposing to increase the number of trips to and from the Campus through John Tyler Drive by increasing the size of existing buildings and parking facilities but by expanding the types of activities that draw more visitors and service personnel to these facilities.

In addition, Pepperdine is attempting to consolidate activities, offices, maintenance facilities and services which are currently spread around the Campus, in a few structures across from our homes and accessible primarily via John Tyler Drive.

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Such concentration of traffic would certainly result in additional and prolonged traffic jams along John Tyler Drive from the entrance gate of Pepperdine to Pacific Coast Highway ("PCH") during special events, which occur several times a year. The level of congestion currently is such that residents have to wait for prolonged periods when attempting to exit MCE from Malibu Country Drive on to John Tyler Drive. Attempting to enter Malibu Country Drive via the left-hand turn from John Tyler Drive is extremely challenging as well during special events at Pepperdine, when MCE residents have to wait for extended periods to make the left turn and go home.

By proposing to place these facilities or enhance/enlarge/expand same along John Tyler Drive and the primary means of egress and ingress to remain along John Tyler Drive is a mistake. Facilities and activities that by virtue of their design, use and placement are "major draws" should be placed away from the residential neighborhood, and any existing facilities already in-place should not be enlarged or expanded to become even larger draws.

Closing of John Tyler Drive during special events, athletic/sporting events, or for activities that draw large groups should be considered. There are alternate routes that patrons can take which would not and should not include John Tyler Drive. This would alleviate some of the negative impact of traffic and congestion to MCE.

The C.U.P. should **limit the hours of operations** of the Firestone Fieldhouse, Athletics/Events Center and similar venues from 8:00 AM (including setting-up before the events) to 10:00 PM (including disbursing the visitors and dismantling equipment). Deliveries, pick-up, setting-up and dismantling before and after events should not take place pre or post events or operating hours of the facilities. If I lived across a commercial alley and an existing restaurant was under review with a C.U.P. application to add entertainment, on-site sale of alcoholic beverages or increase the scope and size of its operations, for example, any municipality would undoubtedly include limited operating hours to the C.U.P. conditions so as not to impinge upon the right of adjacent residential neighbors right of quite enjoyment.

Here we have an educational institution that has elected to focus its activities that generate additional traffic, noise and pollution immediately next to single family dwellings and funnel the thousands of daily vehicular trips to the only means of ingress and egress of the residential neighbors.

Aside from inconveniencing MCE residents and visitors/invitees of MCE such congestion along John Tyler Drive poses potential life and safety hazards should fire, police or emergency vehicles need to reach MCE in an event of emergency.

In addition to suggested limitations to the scope of activities at the existing and proposed new facilities, and limited hours of regular operations as well as limited hours of operations during special events, I have proposed

closure of John Tyler Drive along the portions near and abutting the residences.

However, unless the conditions and limitations set forth in any C.U.P. or revisions to and review of Pepperdine University's Long Range Development Plan ("LRDP") have any **meaningful enforcement mechanisms in-place to ensure compliance** by Pepperdine, its visitors, contractors and invitees, not only the current problems will not be alleviated but any proposed Project would only exasperate the situation.

I would like to bring your attention to additional specific issues that address specific information referenced in your April 21, 2008 circular:

1. Component 1. Increased Housing.
The simple fact is that when you add over 650 units of student housing, the students will generate additional vehicle trips when they leave the Campus to shop, go to restaurants, cafes, coffee shops, movie theaters and other venues that college students patronize while attending college. The additional on-campus housing will result in a net increase in traffic.

2. Component 3. Recreation and 1268 space Multi-Level Parking.
The scope and size of this facility will result in added ambient noise from mechanical equipment such as garage ventilation systems and HVAC serving the offices and maintenance facilities (refer to the Initial Study page 10). The reference in page 17 of the April 21, 2008 circular indicates 1268 parking spaces, yet the added square footage is only 39,721. Is this accurate? Please refer to Figures 3.10 and 3.11. ON page 17 there reference is made to raising the surface 20-feet higher and providing sufficient lighting for night time use. Consideration has to be made for the negative impact of strong night-time lighting that high off the ground adjacent to residences. Again, limiting hours of operation is encouraged.

3. Component 4. Soccer Field's Proposed Events.
Please refer to page 20 where utilization of field may extend to evening hours is referenced. Limiting hours of operation should be considered.

4. Component 5. Athletic/Events Center.
Increasing the seating at this venue from 3100 to 5000, or effectively expanding its capacity by two-thirds (i.e. 66%) will result in added noise and loitering along our homes on John Tyler Drive, add to extreme traffic and noise conditions during special events and increase visits to and from venues by 66% with the resulting pollution. This is a significant negative impact to MCE residents. Refer to pages 25 and 27.

5. Component 6. Recreation and Health Center
Noise from emergency vehicles serving the medical facility during quite times, night time and weekends when residents expect to enjoy the homes in peace might be negatively impacted. It is suggested that an alternate facility or location be designated for this use.

B-7.

6. Construction Period.
Please refer to page 33 of the April 21, 2008 circular. The expected time lines for majority of the proposed components/phases of the Project are between two to three years. Moreover, these are subject to availability of funding and as funds become available in the future. Therefore, MCE could very well experience ten or more years of continuous or sporadic construction dust, noise and disruption. During
the past large scale construction project for the upper campus housing units, construction vehicles routinely used John Tyler Drive well before the designated start times. Despite routine protests and calls to Pepperdine's Public Safety office, except for routine apologies, the start hours were not adhered to over an extended period.

My direct experience during the past five years in dealing with staff and administrators at Pepperdine and their ability (or willingness) to address concerns and issues regarding noise from its operations, disturbances from vehicles and contractors who start or end their work well before or well after reasonable or designated hours and informing MCE in a timely manner of upcoming special events on Campus that impact traffic, noise, etc. has convinced me that despite Pepperdine's purported "efforts", "apologies" and "promises" it consistently fails to properly police its staff, students and visitors in order to avoid negatively impacting the neighbors quality of life and their right to quite enjoyment.

Accordingly, if Pepperdine seeks to increase staff, resident-students and visitors, as well as expand the scope and types of activities that increase the current levels of visitors, trips, traffic, noise, disruption and disturbances, I trust that your office and other agencies with jurisdiction over this Project's approval will provide solutions and means to enforce the conditions of approval such as limitations to use of John Tyler Drive for access to existing venues and to new venues; as well as for hours of operations. Regretfully, we cannot rely on Pepperdine to police itself.

While some of my discussions and points may have been commented upon by the Board of Directors of MCE in their May 27, 2008 letter to you, I sincerely appreciate your attention and careful review of the contents of this letter.

Thank you in advance for your anticipated cooperation and attention.

Respectfully;

Benjamin Efraim

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CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Th 21c

DATE: July 17, 2008

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director
Steve Hudson, South Central Coast District Manager
Barbara Carey, Supervisor, Planning and Regulation
Deanna Christensen, Coastal Program Analyst

SUBJECT: **Pepperdine University Notice of Impending Development (NOID) 1-08,** for the Firestone Fieldhouse Renovation and Expansion, for Public Hearing and Commission Action at the August 7, 2008, Commission Meeting in Oceanside.

SUMMARY AND STAFF RECOMMENDATION

The impending development consists of a renovation and expansion of the existing Firestone Fieldhouse gymnasium building on the Malibu Campus of Pepperdine University. The project includes a 18,000 sq. ft. addition on the east side of the existing structure for expansion of the gymnasium, and a 7,992 sq. ft. addition on the west side of the structure for exercise rooms, weight rooms, and a terrace. The additions will have a maximum height of forty (40) feet, which is equivalent to that of the existing structure. The project would involve approximately 4,300 cu yds. of grading (4,000 cu. yds. cut, and 330 cu. yds. fill). The project would not increase the enrollment at the University, nor would it change the overall number of parking spaces available on the campus.

The required items necessary to provide a complete notice of impending development were received in the South Central Coast Office and the notice was deemed filed on July 14, 2008.

Staff is recommending that the Commission determine that the impending development **is consistent** with the certified Pepperdine University Long Range Development Plan (LRDP) with **five (5) special conditions** regarding: 1) landscaping and erosion control plans, 2) removal of excess excavated material, 3) oak tree protection, 4) conformance with geologic recommendations, and 5) drainage and polluted runoff control plans. As conditioned, the project is consistent with all resource protection policies and provisions of the Long Range Development Plan. See associated Motion and Resolution beginning on **Page 2**. The standard of review for the proposed NOID is the policies of the certified LRDP.

I. PROCEDURAL ISSUES

Section 30606 of the Coastal Act and Article 14, §13547 through §13550 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified LRDP. Section 13549(b) requires the Executive Director or his designee to review the notice of impending development (or development announcement) within ten days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified LRDP. The notice is deemed filed when all necessary supporting information has been received.

Within thirty days of filing the notice of impending development, the Executive Director shall report to the Commission about the nature of the development and make a recommendation regarding the consistency of the proposed development with the certified LRDP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified LRDP and whether conditions are required to bring the development into conformance with the LRDP. No construction shall commence until after the Commission votes to render the proposed development consistent with the certified LRDP.

II. STAFF RECOMMENDATION: MOTION & RESOLUTION

Staff recommends that the Commission adopt the following motion and resolution. A **YES** vote by a majority of the Commissioners present is necessary to pass the motion.

MOTION: ***I move that the Commission determine that the development described in the Notice of Impending Development 1-08 (Firestone Fieldhouse Expansion), as conditioned, is consistent with the certified Pepperdine University Long Range Development Plan.***

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development 1-08, as conditioned, is consistent with the certified Pepperdine University Long Range Development Plan, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DETERMINE DEVELOPMENT IS CONSISTENT WITH LRDP:

The Commission hereby determines that the development described in the Notice of Impending Development 1-08, as conditioned, is consistent with the certified Pepperdine University Long Range Development Plan for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS

The University shall obtain written authorization to proceed with the proposed impending development from the Executive Director prior to the commencement of construction. Prior to authorization, the University shall comply with the Special Conditions stated below.

1. Landscaping and Erosion Control Plans

Prior to the commencement of construction, the University shall submit two sets of final landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall incorporate the criteria set forth below. All development shall conform to the approved landscaping and erosion control plans:

A) Landscaping Plan

1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property.

2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.

3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.

The University shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a

Coastal Commission approved amendment to the notice of impending development, unless the Executive Director determines that no amendment is required.

B) Interim Erosion Control Plan

1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.

2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the University shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

2. <u>Removal of Excess Excavated Material</u>

Prior to the commencement of construction, the University shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

3. <u>Oak Tree Protection</u>

To ensure that oak trees in the vicinity of the proposed additions are protected during construction activities, temporary protective barrier fencing shall be installed around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater)

of all adjacent oak trees and retained during all construction operations. In addition, no permanent irrigation is permitted within the protected zone (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of any oak trees and landscaping within the oak tree protected zones shall be limited to native oak tree understory plant species.

4. Plans Conforming to Geotechnical Engineer's Recommendations

The University agrees to comply with the recommendations contained in the Geotechnical Investigation Report prepared by Van Beveren & Butelo Inc., dated March 15, 2006. These recommendations, including recommendations concerning foundation, grading, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require a new Notice of Impending Development.

5. Drainage and Polluted Runoff Control Plan

Prior to the commencement of construction, the University shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

(a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
(b) Runoff shall be conveyed off site in a non-erosive manner.
(c) Energy dissipating measures shall be installed at the terminus of outflow drains.
(d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the University shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of

the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the University shall submit a repair and restoration plan to the Executive Director to determine if a new notice of impending development is required to authorize such work.

The University shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a new Notice of Impending Development.

IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT

The following findings support the Commission's approval of the Notice of Impending Development, as conditioned. The Commission hereby finds and declares as follows:

A. PROJECT DESCRIPTION AND BACKGROUND

The impending development consists of a renovation and expansion of the existing Firestone Fieldhouse gymnasium building on the Malibu Campus of Pepperdine University (**Exhibits 1-2**). The project includes an 18,000 sq. ft. addition on the east side of the existing structure for expansion of the gymnasium, and a 7,992 sq. ft. addition on the west side of the structure for exercise rooms, weight rooms, and a terrace (**Exhibits 2-5**). The construction of a 20-ft. wide, 160-ft. long access road between the proposed east addition and the parking lot to the south of the facility is also proposed for use during construction. The University has indicated that the road will be retained after construction although it does not provide vehicular access to any parking area. The additions will have a maximum height of forty (40) feet, which is equivalent to that of the existing structure. The project would involve approximately 4,300 cu yds. of grading (4,000 cu. yds. cut, and 330 cu. yds. fill). Two native oak trees are located in close proximity to a pathway that will be improved near the proposed east addition (**Exhibit 6**). However, the development will not require removal or significant encroachment of these trees. The proposed additions to the Firestone Fieldhouse are situated within an existing developed area of the campus and will not adversely impact visual resources, environmentally sensitive habitat, or open space resources.

B. CONSISTENCY ANALYSIS

The standard of review for a Notice of Impending Development is consistency with the certified Long Range Development Plan (LRDP). On September 12, 1989, the Commission denied the Pepperdine University LRDP as submitted and approved it with suggested modifications necessary to bring the LRDP into conformance with the Coastal Act. On February 7, 1990, the Board of Regents of the University acknowledged the receipt of the Commission's certification and agreed to the terms of the modifications to the LRDP. On April 12, 1990, the Commission concurred with the

Executive Director's determination that the Board's action accepting the certification was legally adequate and sent such determination to the Secretary of Resources, thereby effectively certifying the LRDP. Since that time, the LRDP has been amended several times.

The Firestone Fieldhouse was constructed prior to the effective date of the Coastal Act and is shown as an existing facility in the certified LRDP. Through past LRDP amendments, the Commission approved several additions (including re-allocation of square footage from other approved facilities) to the existing Firestone Fieldhouse. The approved changes included those referred to as the "West" and "Roof" Additions (totaling 10,377 sq. ft.) and the "Gym Annex or East" Addition (totaling 18,000 sq. ft.). Of the total 10,377 sq. ft. approved for the West and Roof additions, the University has previously constructed a 625 sq. ft. storage and locker room area and a 1,759 sq. ft. entrance enclosure, so 7,992 sq. ft. of the addition remains to be constructed. The 18,000 Gym Annex Addition also has not yet been constructed. Pursuant to LRDP Minor Amendment No. 1-08, approved by the Commission at the June 2008 Commission hearing, the University redesigned these additions to move the new construction closer to the existing Firestone Fieldhouse structure and to reduce grading.

The impending development consists of an 18,000 sq. ft. addition on the east side of the existing structure for expansion of the gymnasium, and a 7,992 sq. ft. addition on the west side of the structure for exercise rooms, weight rooms, and a terrace. The proposed additions are consistent with the buildout allowed in the certified LRDP for this facility. The project area is not considered environmentally sensitive habitat area or designated as open space.

Hazards

The proposed development is located in the Santa Monica Mountains, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The certified 1990 LRDP mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. In particular, the LRDP includes the following policies in relation to geology and hazards:

- *All available safety standards, regulations, and related research information will be incorporated into the planning and design of all new developments.*

- *All structures shall be setback fifty (50) feet from the Malibu Coast Fault or any active splays of the fault. On potentially active splays the setback requirement may be lessened as determined by a detailed geotechnical investigation.*

The University has submitted a geotechnical investigation report prepared by Van Beveren and Butelo, Inc. for the proposed project, dated March 15, 2006. This report addresses the geologic conditions on the site, including drainage, corrosivity of soils, subsurface conditions, groundwater, landslides, faulting, and seismicity.

The existing Firestone Fieldhouse facility is situated at the toe of a west-facing slope. The proposed west addition to the facility will be constructed on the relatively flat pad of the existing facility. The proposed east addition will be constructed into the existing west-facing slope. The project would involve approximately 4,300 cu yds. of grading (4,000 cu. yds. cut, and 330 cu. yds. fill). The site is underlain by fill soils and sandstone/mudstone bedrock and is located approximately within two kilometers of the Malibu Coast Fault.

The geologic consultants have found the geology of the proposed project site to be suitable for the construction of the proposed project. The geotechnical engineering consultant in their geologic and engineering report state that:

> *"The proposed site grading and construction of the modifications to the fieldhouse structure will not adversely affect the stability of the project site or of adjacent sites. The site is not subject to landslide or slippage hazards or to settlement due to subsidence of the underlying materials."*

The geotechnical consultants conclude that the proposed development is feasible provided their recommendations are incorporated into the proposed development. The geotechnical report contains several recommendations to be incorporated into project construction, design, drainage, foundations, and materials and construction methods. The measures would ensure the stability and geologic safety for the proposed project site and adjacent properties.

To ensure that the recommendations of the consultant have been incorporated into all proposed development, the Commission, as specified in **Special Condition No. Four (4),** requires the University to ensure that the recommendations of the consulting geologist and geotechnical engineer are incorporated into all project plans. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed developments, as approved by the Commission, which may be recommended by the consultant, shall require a new NOID.

Further, the Commission finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition No. One (1)** requires the University to submit final landscaping and erosion control plans. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission notes that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in

potential adverse effects to the stability of the project sites. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in Special Condition No. One (1).

Controlling and diverting run-off in a non-erosive manner from the proposed structure and impervious surfaces will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and runoff control is included in the proposed development, the Commission requires the University to submit drainage and polluted runoff control plans, as specified in **Special Condition No. Five (5)**.

In addition, to ensure that excess excavated material is moved off site so as not to contribute to unnecessary landform alteration and to ensure that excess material is not eroded from the site contributing to sedimentation, the Commission finds it necessary to require the applicant to dispose of the material at an appropriate disposal site or to a site that has been approved to accept material, as specified in **Special Condition No. Two (2).**

The Commission, therefore, finds that the proposed project, as conditioned, will serve to minimize potential hazards of the project site and adjacent properties, as required by the certified LRDP.

Water Quality

The certified LRDP contains the following policy:

> *All future developments will incorporate measures to mitigate and/or prevent significant damage to the environment.*

The impending development consists of an 18,000 sq. ft. addition on the east side of the existing fieldhouse for expansion of the gymnasium, and a 7,992 sq. ft. addition on the west side of the structure for exercise rooms, weight rooms, and a terrace. A 20-ft. wide, 160-ft. long access road between the proposed east addition and the parking lot to the south of the facility is also proposed for use during construction. The project would involve approximately 4,300 cu yds. of grading (4,000 cu. yds. cut, and 330 cu. yds. fill) to construct the improvements into the west-facing hillside slope. Interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition No. One (1)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources. Additionally, Special Condition 1 requires all graded and disturbed areas to be replanted with native vegetation so as to reduce erosion and sediment laden runoff into coastal waterways.

Although the impending development consists of additions to an existing developed facility, the additions are of significant size and involve grading of sloping hillside terrain with soils that are susceptible to erosion. The proposed development will result in an increase in impervious surfaces, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff reduce the biological productivity and the quality of coastal waters and have adverse impacts on human health. As such, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the amount of stormwater produced by all storms up to and including the 85th percentile, 24 hour storm event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition No. Five (5)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources.

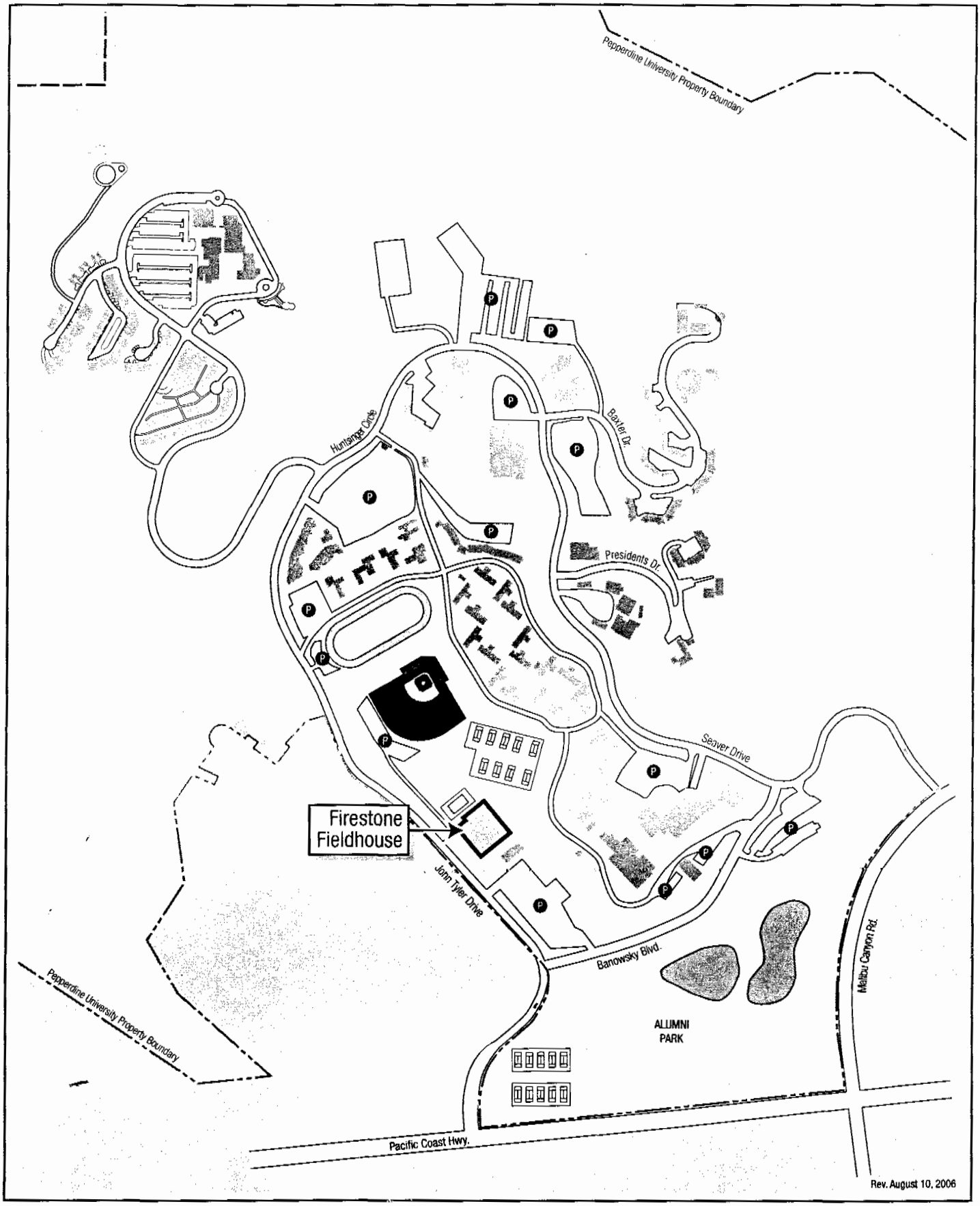
The Commission finds that only as conditioned is the impending development consistent with applicable LRDP policies regarding significant impacts to the environment.

Native Oak Trees

Two native oak trees are located in close proximity to a pathway that will be improved near the proposed east addition of the Firestone Fieldhouse facility. However, the development will not require removal or significant encroachment of these trees. The certified LRDP mandates that native vegetation be preserved in areas not impacted by development and that future developments shall incorporate measures to mitigate and/or prevent significant damage to the environment. Native trees prevent erosion of hillsides and provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Native trees that are not part of a larger, intact woodland (such as the subject trees that are surrounded by existing development) nonetheless provide nesting or roosting habitat for raptors and other birds that are rare, threatened, endangered, fully protected, or species of special concern. Furthermore, individual oak trees such as those on the subject site do provide habitat for a wide variety of wildlife

species and are considered to be an important part of the character and scenic quality of the area. The University has mapped the drip lines of on-site oak trees in relation to proposed development. The applicant does not propose removal or encroachment of any oak tree. However, to ensure the oak trees are not adversely affected by irrigation or inappropriate landscaping, **Special Condition No. Three (3)** includes a provision that prohibits permanent irrigation within the dripline or within the five-foot protected zone of oak trees and limits landscaping within the dripline and protected zone to native oak tree understory plant species. To ensure that the oak trees are protected during grading and construction activities, Special Condition Three (3) also requires the University to install protective barrier fencing around the dripline of on-site oak trees during construction operations. The Commission finds that only as conditioned is the impending development consistent with applicable LRDP policies regarding significant impacts to the environment.

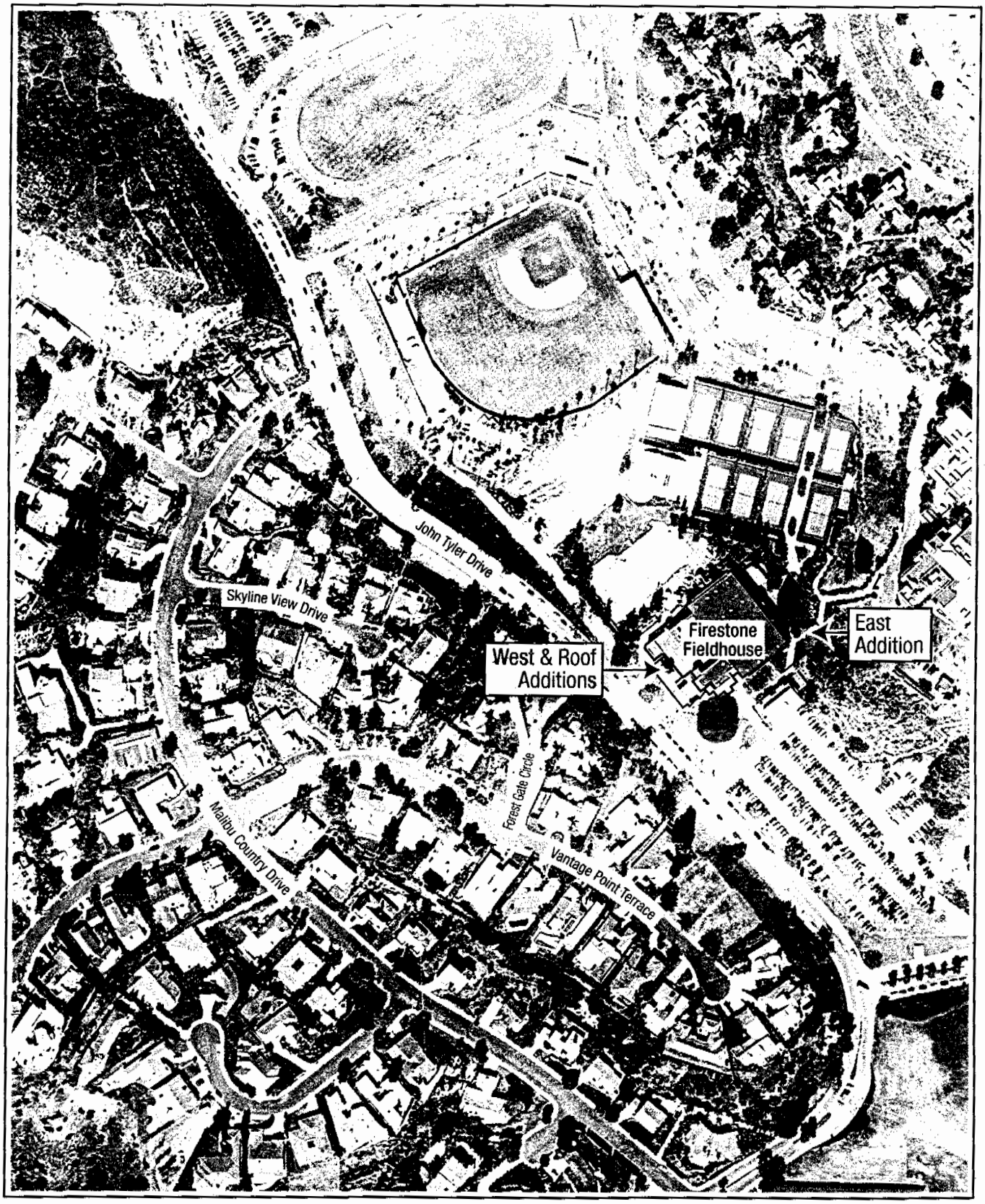
For the reasons stated above, the Commission, therefore, finds that the notice of impending development, as conditioned, is consistent the applicable LRDP policies with regards to geologic resources, safety and hazards, water quality, and biological resources.



PEPPERDINE UNIVERSITY – FIRESTONE FIELDHOUSE IMPROVEMENTS

Pepperdine University Malibu Campus Site Map

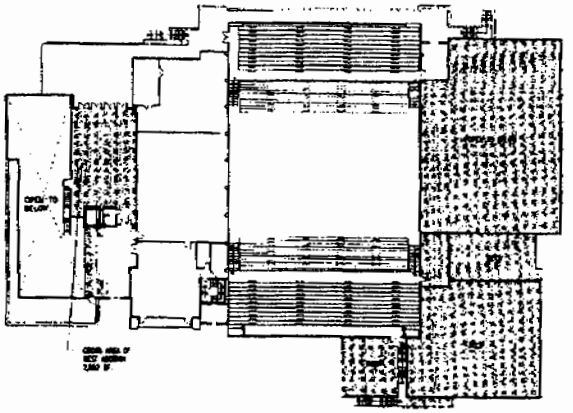
Exhibit 1
Pepperdine NOID 1-08
Firestone Fieldhouse Location Map



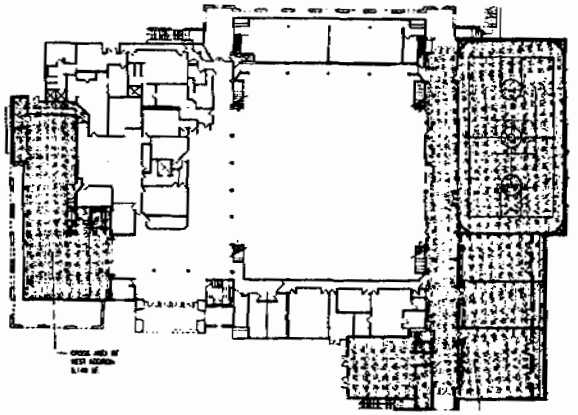
PEPPERDINE UNIVERSITY – FIRESTONE FIELDHOUSE IMPROVEMENTS

Firestone Fieldhouse Improvements / Additions

Exhibit 2
Pepperdine NOID 1-08
Firestone Fieldhouse Expansion Map



2 LEVEL 2 DIAGRAM



1 LEVEL 1 DIAGRAM

REVISED

EXHIBIT "A"

APPROVED

APPLICANT'S COPY

FIRESTONE FIELDHOUSE EXPANSION

PEPPERDINE UNIVERSITY
Malibu, CA

RTKL

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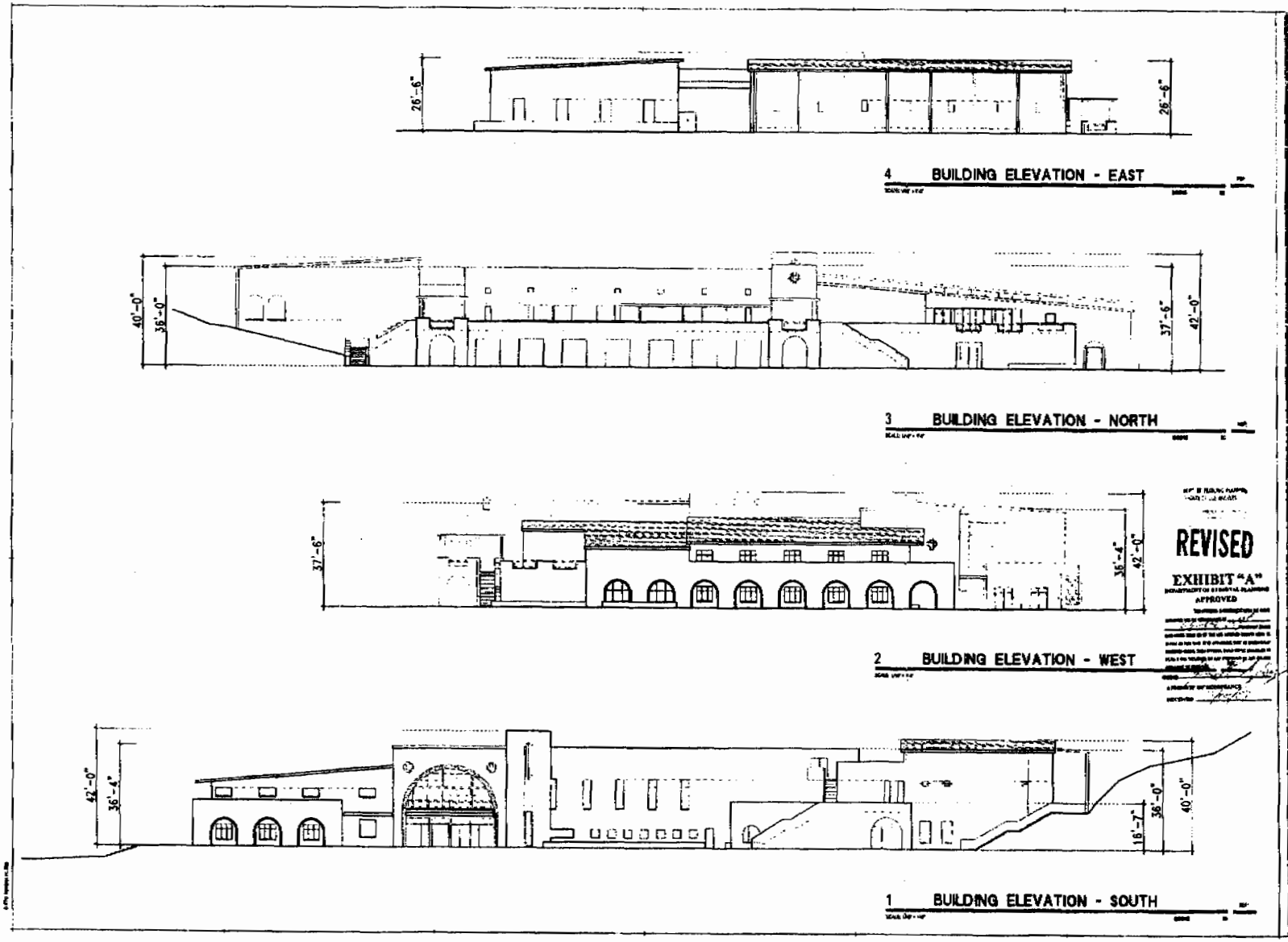
NOT FOR CONSTRUCTION

PLAN DIAGRAMS

REF.A

Exhibit 3
Pepperdine NOID 1-08
Expansion Floor Plans



REVISED

EXHIBIT "A"

APPROVED

FIRESTONE FIELDHOUSE EXPANSION

PEPPERDINE UNIVERSITY
Malibu, CA

RTKL

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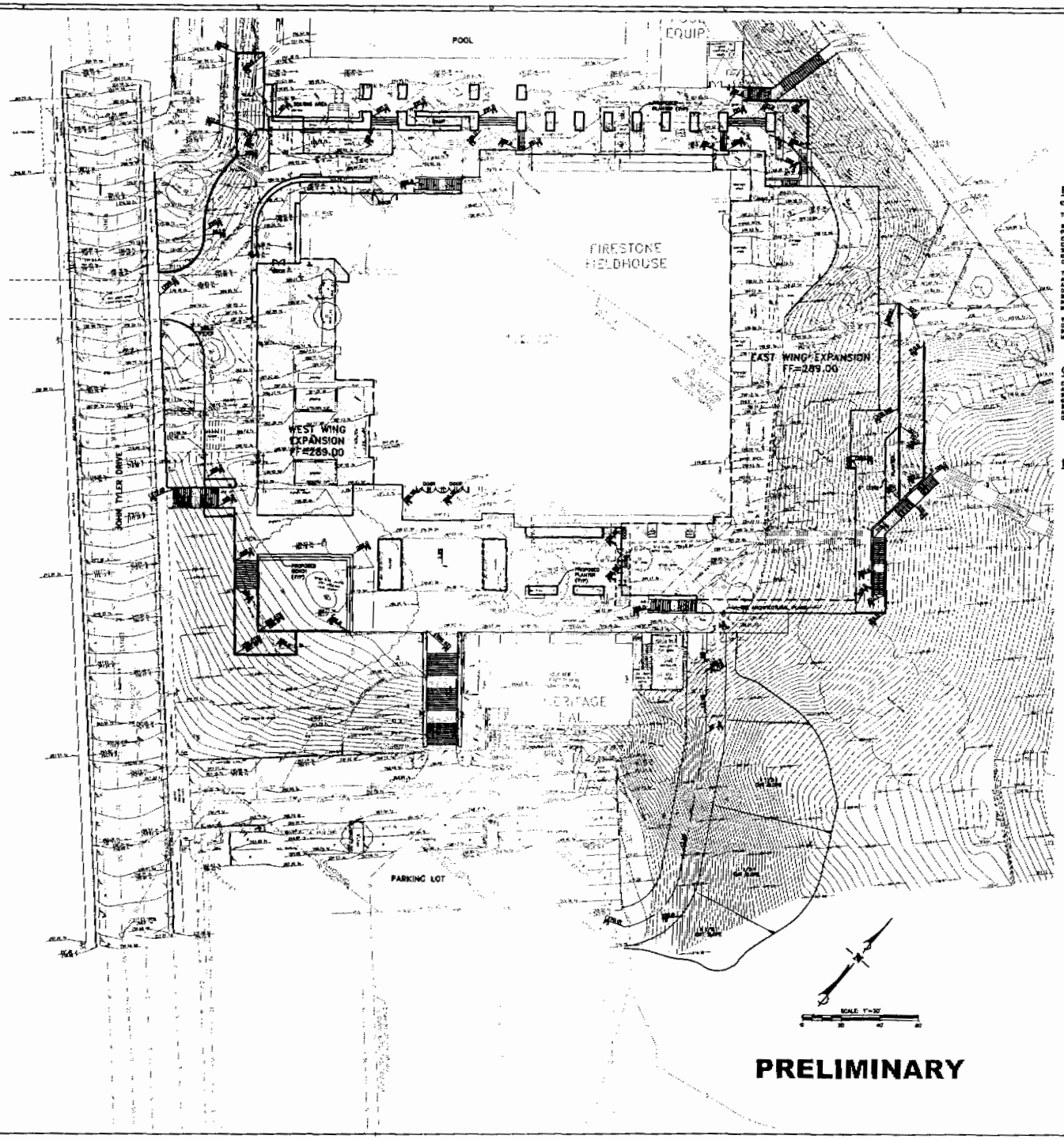
EXTERIOR BUILDING ELEVATIONS

REF.A

Exhibit 4
Pepperdine NOID 1-08
Elevations



PRELIMINARY EARTHWORK QUANTITIES

ESTIMATED EARTHWORK QUANTITIES - RAW QUANTITIES

TOTAL EARTHWORK: CUT= 4,000 C.Y. FILL= 330 C.Y.

THE ABOVE QUANTITIES ARE REPRESENTATIVE IN PLACE VOLUMES CALCULATED FROM THE EXISTING GROUND TO THE PROPOSED FINISH GRADE OR SUBGRADE. EXISTING GROUND IS DEFINED BY THE TOPOGRAPHIC CONTOURS AND/OR SPOT ELEVATIONS ON THE PLAN. PROPOSED FINISH GRADE IS DEFINED AS THE DESIGN SURFACE ELEVATION OF EARTH TO BE CONSTRUCTED. PROPOSED SUBGRADE ELEVATION IS DEFINED AS THE DESIGN SURFACE ELEVATION OF EARTH TO BE CONSTRUCTED BENEATH PAVEMENTS OR STRUCTURES.

THE ABOVE RAW EARTHWORK QUANTITIES ARE FOR PUBLIC AGENCIES REVIEW AND INFORMATION PURPOSES ONLY AND HAVE NOT BEEN FACTORED TO INCLUDE ALLOWANCES FOR BULKING, CLEARING AND GRUBBING, SUBSIDENCE, SHRINKAGE, OVER EXCAVATION AND RECONSTRUCTION, UNDERGROUND UTILITY AND SUBSTRUCTURE SPOILS AND CONSTRUCTION METHODS. EARTHWORK IS NOT INTENDED TO BALANCE ON SITE. OVER EXCAVATION QUANTITIES ARE NOT INCLUDED. IMPORT WILL BE REQUIRED.

THE CONTRACTOR SHALL PERFORM AN EARTHWORK ESTIMATE FOR THE PURPOSE OF PREPARING A LUMP SUM BID PRICE FOR EARTHWORK. THE BID PRICE SHALL INCLUDE COSTS FOR ANY NECESSARY IMPORT AND PLACEMENT OF EARTH MATERIALS OR THE EXPORT AND LEGAL DISPOSAL OF EXCESS EARTH MATERIALS.

GENERAL NOTES

EXISTING UTILITY INFORMATION SHOWN HEREON WERE OBTAINED FROM THE BEST AVAILABLE INFORMATION AND DRAWINGS PROVIDED BY PEPPERDINE UNIVERSITY. WHILE THE INFORMATION WAS OBTAINED BY GENEVIL PENFIELD & SMITH CANNOT GUARANTEE THE INFORMATION AS ACCURATE OR COMPLETE. THE CONTRACTOR SHALL LOCATE AND VERIFY UNDERGROUND UTILITIES BY POTHOLING AND NOTIFY ALL UTILITY COMPANIES WITH FACILITIES IN THE CONSTRUCTION AREA A MINIMUM OF 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES.

LEGEND

- ABANDONED
- CEMENT ASBESTOS PIPE
- CAST IRON PIPE
- CORRUGATED METAL PIPE
- CONDUIT
- POLYVINYL CHLORIDE PIPE
- REINFORCED CONCRETE PIPE
- ROOF DRAIN
- SOUTHERN CALIFORNIA EDISON ELECTRIC
- VITRIFIED CLAY PIPE
- COMMUNICATION LINE
- COMMON UTILITY TRENCH (SEE NOTES FOR EXACT UTILITIES)
- STREET LIGHT LINE
- RECLAIMED WATER LINE
- GAS LINE
- ELECTRICAL LINE
- RECLAIMED WATER IRRIGATION LINE
- DOMESTIC WATER IRRIGATION LINE
- STORM DRAIN LINE
- WATER LINE
- FIREWATER LINE
- SEWER LINE
- TELEVISION LINE
- TELEPHONE LINE
- BUILDING EXPANSION AREA

CLIENT

Pepperdine University – Malibu Campus
24255 Pacific Coast Hwy
Malibu, CA 90263

FIRESTONE FIELDHOUSE EXPANSION

PEPPERDINE UNIVERSITY
Malibu, CA

RTKL

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TEL (213) 614-6001
FAX (213) 614-6010

Penfield & Smith
Engineering · Surveying · Planning
Construction Management
111 East Victoria Street, Santa Barbara, CA 93101
Phone: (805) 963-9532 Fax: (805) 966-9801

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Architect's Engineer's Stamp and Signature

2	04/29/08	DSA RESUBMITTAL
1	03/14/08	DSA RESUBMITTAL
-	02/14/08	SITE PLAN REVIEW PACKAGE

Name Name Name
Check Date Id

Key Plan

Job Number: 40-08015.00
Proj. Manager: Proj. Architect
Drawn By: Checked By:

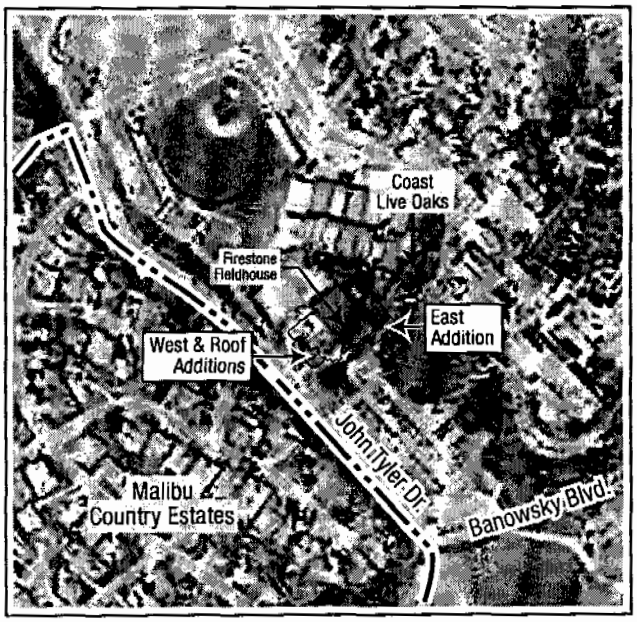
If this drawing is not 30" x 42" it is a reduced print - refer to graphic scale

Title:
PRELIMINARY
GRADING PLAN

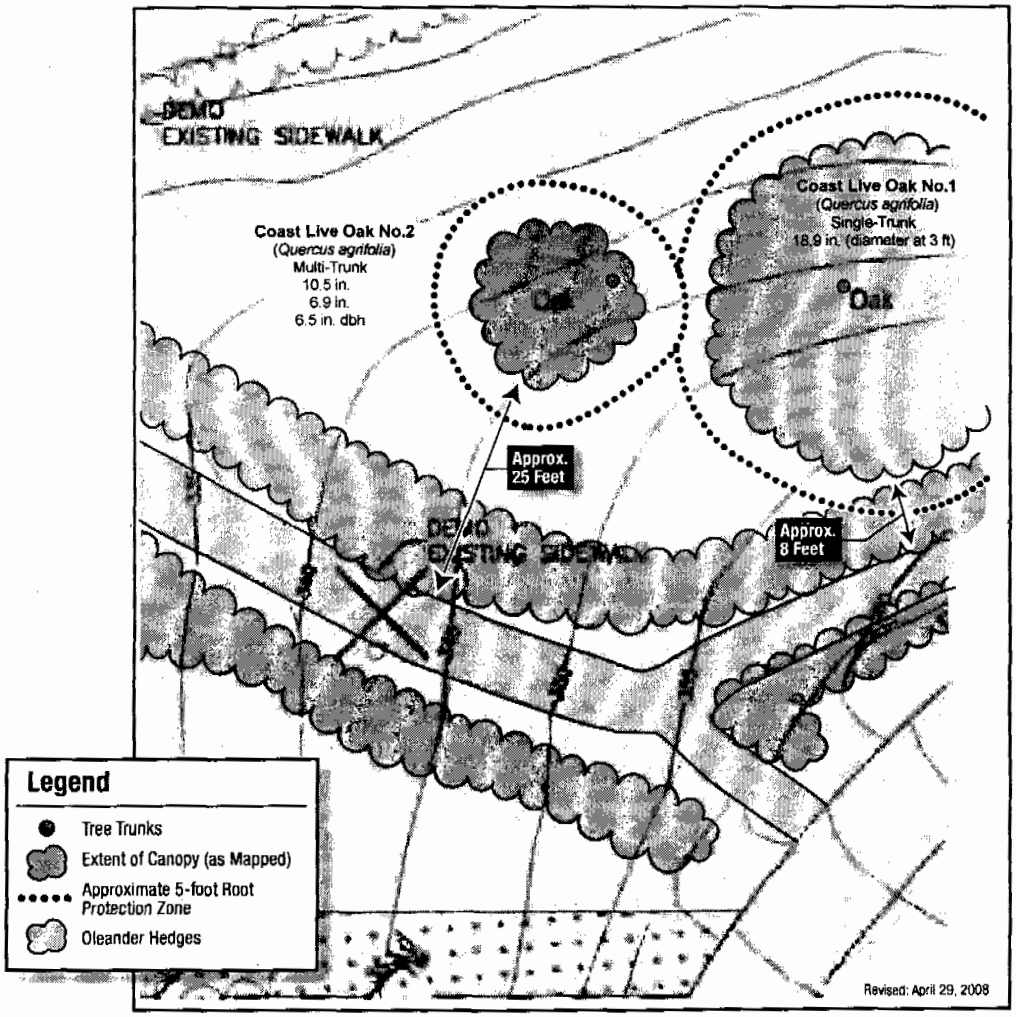
Sheet Title

Sheet number

Exhibit 5
Pepperdine NOID 1-08
Grading Plan



Aerial Photograph: I.K. Curtis Services, Inc., February 2006 No Scale



FIRESTONE FIELDHOUSE IMPROVEMENTS

Oak Tree Locations (Near Firestone Fieldhouse)

Exhibit 6
Pepperdine NOID 1-08
Oak Tree Location Map