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

W11a

ADDENDUM

DATE: October 7, 2013

TO: Coastal Commissioners and Interested Persons

FROM: Commission Staff

RE: **Addendum to Item W11a (**Pepperdine University Major LRDP Amendment No. 1-11B, "Campus Life Project" – Upper Marie Canyon sports lighting, etc.) scheduled for public hearing and Commission action on October 9, 2013.

The purpose of this addendum is to provide:

1. Changes to the staff report published on September 27, 2013 including clarifications, corrections, and new exhibits, and to the extent that limited time has allowed, staff responses to Pepperdine's "Commissioner Briefing Materials" (six versions were circulated by Pepperdine and submitted to staff, but staff responses are based only on version 1(item #5, below).

2. Correspondence – Correspondence from public received by 5 p.m. October 4 (Attachment A).

3. *Ex Parte* Notices from Commissioners (Attachment B).

4. Substantive file documents listed in the staff report, for reference (on-line only, due to volume of material):
   a. Attachment C to this Addendum: LRDP original certification documents: Revised findings staff report dated December 21, 1989 (and addendum dated January 9, 1990) for the final Commission certification hearing on January 11, 1990, including exhibits.
   b. Attachment D to this Addendum: Excerpts from "The Malibu Miracle, a Memoir" by William S. Banowsky, President Emeritus, Pepperdine University, 2010, Pepperdine University Press; the only detailed account known to staff of the early years of campus grading and construction.

5. Additional materials provided by Pepperdine University after issuance of the staff report.
   a. Six versions of "Briefing Materials Provided to Commissioners" provided electronically to CCC staff, Attachment E to this Addendum (on-line only, due to volume of material).
   b. Correspondence – Pepperdine, received by 5 p.m. October 4 (Attachment F).

Addendum 1: Agenda Item W11a, for hearing October 9, 2013
Pepperdine University LRDPA 1-11B

Changes to the staff report for Agenda Item W11a are shown following the pertinent page reference to the September 27, 2013 staff report, as follows (new text = **underline** or ***underline***; deleted text = ~~strike-through~~):

1. Page 2:

Pepperdine asserts that light pollution currently emitted by four, 28-foot high lights installed in 1984 for a riding arena abandoned in 1999 constitutes an existing "baseline" and that the current proposal would be an improvement in that it would result in less significant light impacts to the ESHA. **Commission staff disagrees. However, the relationship of the proposal to current conditions is of no consequence, as it is the wrong comparison. Existing conditions are irrelevant, as** Commission staff has determined that both the existing lighting and the arena that the lights served were installed without necessary coastal development permits, though Pepperdine disputes this. **Thus, E**~~e~~**even if the current proposal were an improvement over the existing conditions, **that would not be relevant, as** the fact that a proposal compares favorably to existing unpermitted development cannot be used as the basis for approval of the new development as explained in Section IV below. Finally, regardless of the legal status of the existing lights, LRDPA 1-11 calls for complete redevelopment of the subject upper Marie Canyon area (see complete project description in Section IV below), and as such, the proposed lights must be considered on their own merits. All of this is discussed in detail in Section IV below.

2. Page 3:

Substantive File Documents: Pepperdine University Long Range Development Plan (originally certified in 1990), as amended; **Revised Findings, Staff Report, Pepperdine University Long Range Development Plan (LRDP) dated December 21, 1989 with Addendum dated January 9, 1990 for final Commission hearing on certification of the LRDP, January 11, 1990);** "The Malibu Miracle, a Memoir," by William S. Banowsky, President Emeritus, Pepperdine University, 2010, Pepperdine University Press.

3. Pages 10 -11:

Environmental sensitivity of upper Marie Canyon

The upper Marie Canyon site where the Commission approved a new sports field (via LRDPA #1-11A) and where Pepperdine now proposes the installation and year-round use of new lights is surrounded on three sides by chaparral habitat that constitutes an environmentally sensitive habitat area (or "ESHA") for purposes of Coastal Act section 30240. Commission staff ecologist Jonna Engel, Ph.D., visited the site, and has determined the presence of sensitive habitat which she describes in her memorandum dated August 23, 2013, included in Exhibit 12. The canyon slopes were designated as open space in the original certification of the LRDP. Immediately northwest of the proposed site of the future playing field lights, Pepperdine has planted and maintained a ~~several~~ **1.2-**acre native habitat restoration site that was required by the Commission as part of its certification of LRDPA #97-2, in 1998. The restoration site provides mitigation for the loss of other canyon habitat associated with the construction of a new stockpile area in upper Marie Canyon authorized pursuant to #97-2. The proposed installation and use of high

performance, stadium-type sports lighting would result in fuel modification of the native vegetation within in the restored habitat area, and would limit the function of the habitat for use by wildlife.

Moreover, **in addition to the habitat of the immediate upper Marie Canyon area, Commission staff ecologist Jonna Engel has described in her memorandum dated August 23, 2013 (Exhibit 12), that** the **upper Marie C**~~e~~anyon connects to contiguous, high quality habitat and protected open spaces ~~leading to the nearby parklands~~ of the Santa Monica Mountains National Recreation Area. **Accordingly, National Park Service Superintendent David Szymanski, who oversees the Santa Monica Mountains National Recreation Area, has submitted a letter to the Commission dated September 30, 2013, explaining the Service's opposition to Pepperdine's proposal for stadium-type sports lighting in upper Marie Canyon.**

4. Page 13:

The existing lights are 30 years old and have never been subjected to any form of environmental impact analysis (until now). The University has indicated that the existing lights were installed in 1984, but it has no**t** identified any permit authorizing the lights. In fact, the University conceded that there is no permit that expressly mentions the lights. Accordingly, there has been no Commission review of the impacts of the lights.

5. Pages 13 and 14:

Pepperdine received authorization for construction of an ~~arena at the original campus~~ equestrian facility in 1975, when the ~~South Central Coast Regional~~ **Coastal Zone Conservation** Commission **(predecessor to the Coastal Commission)** approved coastal development permit (CDP) P-4-24-75-5129. That permit authorized construction of a riding arena to the southeast of Marie Canyon, **at the intersection of Huntsinger Circle and Baxter Drive**. The **South Central Coast R**~~e~~gional **C**~~e~~ommission[1] subsequently approved the dismantling of that facility to make room for dormitories, in 1980. A 1981 amendment to that dormitory permit (5-81-395-A) and an associated "Haul Route Plan" clarified that the earthen material removed from the site as part of the construction of the dormitory would be placed south of Huntsinger Circle and the equestrian facility would be relocated and placed on top of that fill.

6. Page 14:

The University also argues that even if lights were not expressly authorized for the arena, they were implicitly authorized, as any arena needs lights. **Putting aside the fact that even the arena itself was not authorized at this location, t**~~T~~here are three problems with this argument. First, the University provides no rationale for why an arena could not be constructed solely for day use. Second, when the ~~regional commission~~ **Coastal Zone Conservation Commission**

[1] Prior to 1981, the Coastal Act created regional commissions that reviewed development proposals, and the statewide commission served as an appellate body.

approved CDP P-4-24-75-5129, in 1975, it also approved tennis courts and specifically authorized lights on some and not other courts. Thus, the regional commission clearly considered recreational court lighting to be the sort of thing that must be addressed in a permit if it is to be allowed. Third, Pepperdine's position that arena lights should be assumed to be an approved feature of the arena in upper Marie Canyon overlooks the fact that arena lights of the type installed in the canyon never existed at the original facility and would not have been necessary if the barn and 6,000-square-foot riding ring approved for placement south of Huntsinger Circle Drive had been constructed in accordance with CDP 5-81-395A **(see Exhibit 27, Pepperdine equestrian permit history researched by staff with annotated aerial photograph, 21 pages)**.

7. Page 16:

Conversion of "facility 357" to other uses without LRDP amendment

Pepperdine states that the former arena was converted to an informal recreational sports playing field in 2000, after the horse program was abandoned. Since 2000, Pepperdine has installed new features such as fencing and goal nets, removed vegetation and graded an unknown volume of soil to construct an additional playing field in upper Marie Canyon, south of the upper Marie Canyon pad/arena, extended reclaimed wastewater irrigation infrastructure to both fields, and other changes. Approximately an acre of non-native grass turf was planted without a landscape management plan; the grass cover is visible in aerial photographs of the site. **None of this development received any Commission review or authorization.** Site visits by Commission staff during the past year have noted that the turf has mostly died back and the fields do not appear to be well maintained.

8. Page 18:

Subsequently, in the application for LRDPA 97-2, Pepperdine added the horse barn as an equestrian program feature (facility 357) on the LRDP map and removed the equestrian facility features from the "future" development shown for the upper graduate campus site, noting that the map should be thus corrected to reflect the horse facility "as it actually exists." Pepperdine explained at that time that it no longer intended to make a permanent site for the horse facilities on the future upper (graduate) campus, and was actively phasing out the horse program at that time. Pepperdine staff submitted LRDPA 97-2 with a cover letter noting that as a map correction, the change did not require environmental review, which was necessary only for the new stockpile location that was the primary development proposed by LRDPA 97-2. Moreover, the LRDPA 97-2 map changes did not reflect the arena or the arena lights as part of the consideration because the maps showed that feature as "existing development" and only the small barn south of Huntsinger and the upper campus future development were proposed for a change from the versions of the maps that Pepperdine had previously been submitting to staff.

It is important to note that **Commission certification** of LRDPA 97-2 did not **include any environmental review or analysis of the consistency of the equestrian facility features or location with the pertinent Chapter 3 policies of the Coastal Act. Pepperdine emphasized in submitting amendment request 97-2 that the accompanying environmental analysis pertained only to the primary subject of the amendment request – a new stockpile location**

in upper Marie Canyon. Page 1 of the Pepperdine's "Coastal Coastal Act Consistency" review submitted in support of the LRDPA 97-2 application stated:
"[Note: the equestiran[sic] center map relocation and the maintenance policy are not projects requiring environmental or California Coastal Act consistency analysis. As such, this document assesses the earthen stockpile and native habitat restoration project only." ~~review or approve the horse arena as it exists or in any way not already approved in CDP 5-81-395A.~~ **Pepperdine did not request any approval of the equestrian facility in upper Marie Canyon as part of LRDP Amendment 97-2. As a result, if Pepperdine University had included the horse facilities in Marie Canyon in the application for amendment request 97-2, Commission staff would have had the opportunity in 1997 to consider the potential environmental effects of the arena, lights, and equestrian facility management concerns in the upper Marie Canyon. South of Huntsinger, the riparian corridor was already undergrounded through artificial conveyances.**

Environmental review of the equestrian development was not undertaken as part of LRDPA 97-2, however, as the LRDP map, and LRDP maps submitted for numerous other campus projects from 1991 on showed the arena north of Huntsinger Circle as an approved existing feature on the maps. Thus, environmental review of the equestrian use north of Huntsinger was never undertaken, and the facility, including the arena lights of concern in LRDPA 1-11B, were not subjected to environmental review at that juncture. This history was analyzed by staff because Pepperdine asserted in LRDP Amendment 1-11B that the 1984 lights should be treated as the "existing baseline." In seeking to understand the history of the lights, staff determined that the Commission records appeared to show that the lights, and the arena the lights were installed to serve, were unauthorized. Moreover, Pepperdine has cited the approval of the LRDP Amendment 97-2 map correction as evidence that the arena lights should be deemed approved. In fact LRDP Amendment 97-2 did nothing to legitimize the underlying unpermitted status of the equestrian facility in upper Marie Canyon. It is important to understand that the processing of the map correction of LRDPA 97-2 requested by Pepperdine did not confer deemed-approved status on the arena in upper Marie Canyon. See Exhibits 19 (LRDP map at original certification), Exhibit 20 (an example of changes Pepperdine made to the LRDP documents submitted from 1991 on, that included "357" – for "equestrian facility" (on a separate publication listing the identifies of numbered map symbols), and Exhibits 21 – 23 showing a series of amendments in 1997 and how LRDPA 97-2 (Exhibit 22) modified the maps pertaining to the equestrian facilities.

Thus, the map change approved by the Commission pursuant to LRDP Amendment 97-2 deleted the "357" facility (equestrian facility) from the future "upper campus" development and added the barn south of Huntsinger as part of the "357" (equestrian) facility that Pepperdine submittals to the Commission had been showing for years as "existing and approved" in upper Marie Canyon. This did not, however, confer approval of, or "certify" the use of the upper Marie Canyon as a horse arena as Pepperdine claims. In fact, no environmental analysis or consideration of consistency of any equestrian uses with Chapter 3 of the Coastal Act was undertaken as part of LRDP 97-2.

9. Page 19, last full paragraph:

The northern portions of the campus include portions of the designated Malibu Canyon Significant Ecological Area, and connect through contiguous open spaces to thousands of acres of the Santa Monica Mountains National Recreation Area (the SMMNRA comprises almost 150,000 acres). SMMNRA is the largest area of protected parklands near an urban area in the United States and preserves one of the best examples of a Mediterranean climate ecosystem in the world. Publicly-used trail corridors run across the Pepperdine lands above the project site, and historically-used trails with prescriptive rights run through the center of campus, very close to the proposed location of the Marie Canyon recreation area according to Commission records. Use of the site for day-use recreation would have a negligible effect on the views available from any of the trail corridors, but night lighting could significantly increase the visual effects of the field lights as viewed from trails – and under sky glow conditions, possibly from parks and beaches south of the campus due to the higher elevation of the Marie Canyon site and the potential weather conditions during night games at the field. **The Commission has received a letter dated September 30, 2013, from David Syzmanski, Superintendent, Santa Monica Mountains National Recreation Area, National Park Service, U.S. Department of the Interior (included in Attachment A of the addendum to the staff report dated September 27, 2013) noting that Pepperdine's proposed project site is within the boundary of the Santa Monica Mountains National Recreation Area. Superintendent Syzmanski states that NPS staff concurs with the staff report's findings of potential impacts to wildlife and dark skies from the proposed lighting for the sports field. The letter states further that:**

> **"… We find the project would increase light pollution within the national recreation area, both directly in the canyon in which the university is situated, as well as increasing overall nighttime ambient lighting and creating a glow above the ridgelines as viewed from park land in adjacent canyons, including Corral, Solstice, and Malibu Canyons, and at nearby Malibu Bluffs Park. We find any stadium-type lighting within the national recreation area is not consistent with our wildlife management and visitor experience goals and objectives and recommend against such lighting."**

10. Page 20:

Upper Marie Canyon – views from trails

In addition to the Marie Canyon site's proximity to ESHA, the site is also visible from numerous locations along a publicly used trail corridor located approximately 2000 feet to the north of the Marie Canyon field site. Other historically established trails predating the development of the Pepperdine campus run through the center of the campus and branch into several routes connecting to other area trails and roadways. The Commission in certifying the LRDP in 1990 acknowledged the existence of these trails, including established prescriptive rights to the use of the trails. Exhibit 2 of the LRDP certification revised findings contains a schematic trail map of the Pepperdine campus originally published in Pepperdine's Specific Plan **(see Exhibit 24)**. The map shows the proposed realignment of the Coastal Slope Loop Trail Pepperdine indicated would be established around the northwestern campus lands, to provide trail users to an equally useful route as campus development progressed. This realignment has not occurred, but Pepperdine indicates that it has been actively working with adjoining landowners and the staff of

the Santa Monica Mountains Conservancy to resolve this matter. The LRDP requires that the alternative trail route be provided; one leg of the existing, historic route passes almost directly through the upper Marie Canyon location proposed for #1-11B. **Pepperdine's analysis of potential impacts of the proposed sports lighting on publicly-used trail corridors from which the lights will be directly visible, or indirectly visible as the result of sky glow produced by the lights, did not include an analysis of the impacts of the lights on historic trail corridors, such as the Coastal Slope Lateral (Loop) Trail that passes through Marie Canyon. Pepperdine's failure to review the potential for sports lights to significantly and adversely affect historic routes is particularly significant in that Pepperdine has not achieved the rerouting of an equally viable trail corridor to the west of the site as proposed by Pepperdine (see Exhibit 2 of the original LRDP certification revised findings staff report, which was prepared by Pepperdine's consultants). The only mitigation of the visual impacts of the proposed sports lights on the Marie Canyon leg of the historic route would be the identification, construction and opening of the required alternative route, thus obviating the need for the portion of the historic route that passes through Marie Canyon by producing an equally satisfactory route through the campus lands to replace the existing trail as the certified LRDP requires.**

11. Pages 21 and 22 (delete repeated text):

~~Pepperdine University acquired a portion of the lands that would become the Malibu-area campus in 1968, adding additional acreage later. In 1969, Los Angeles County approved a zone change to allow the campus site to be used for educational purposes. Between 1969 and 1972, Pepperdine undertook a massive campus grading and construction campaign detailed in "The Malibu Miracle, a Memoir" by William S. Banowsky, President Emeritus of Pepperdine University, Pepperdine University Press, 2010. In 1972, the Planning Commission approved a Conditional Use Permit for the expansion of the Pepperdine's facilities. Specific Plans for campus development were not adopted under the Conditional Use Permit until December 30, 1976.~~

~~Under the Coastal Act of 1976, the campus came under the jurisdiction of the Coastal Commission. The University applied for a claim of vested rights for all facilities shown on the 1976 Specific Plan. The claim of vested rights to complete the remainder of the facilities under the 1976 Specific Plan was denied by the South Coast Regional Commission in June 1977. An appeal of this decision to the State Commission resulted in a finding of no substantial issue, leaving the denial in place.~~

~~On September 12, 1989, the Commission considered the Pepperdine University Long Range Development Plan (LRDP) for the 830-acre campus. In its action, the Commission denied the LRDP as submitted and approved it with suggested modifications necessary to bring the LRDP into conformance with the Coastal Act. These modifications related to public coastal access, hazards, visual resources, marine resources, and environmentally sensitive habitat protection. The Commission adopted findings for the September action on January 11, 1990. On February 7, 1990, the Pepperdine University Board of Regents acknowledged the receipt of the Commission's certification and agreed to the terms of the modifications of 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.~~

~~The Commission approved coastal development permits for some campus development prior to certifying the LRDP. Since certification, the Commission has approved numerous amendments to the LRDP. The Campus Life Project, LRDPA #1-11, is Pepperdine's most recent amendment submittal of record, and includes almost 400,000 square feet of new structural development, approximately 640,000 cubic yards of grading (total), and extensive new sports facilities.~~

12. Page 23:

Pepperdine disputes staff's conclusion (see ~~extensive discussion in~~ the Summary section**, which is hereby** incorporated into the **Commission's** findings by reference as though fully set forth herein**, and the extensive discussion in section IV.A, above**) that the arena pad graded in upper Marie Canyon was undertaken without the benefit of a required coastal development permit. However, upon request by Commission staff for evidence of coastal development permit approval for the arena pad, Pepperdine replied on July 29, 2013 with (among other information) a copy of an after-the-fact grading plan for the arena pad, stamped "As Built Pepperdine University Grading Plan for Non-Structural Fill Pad" and signed "approved for grading" and "approved for drainage" by Los Angeles County staff in April 1987 – six years after the pad was constructed. No other approved plans for the pad were identified by Pepperdine. Commission staff research of archival records found no evidence that the arena pad was ever approved.

13. Add the following Exhibits to the existing Exhibit List commencing on Page 3 of the staff report:

Exhibit 15. Mr. James Benya, Further Comments, October 3, 2013.
Exhibit 15A. Mr. James Benya, Further Comments, October 6, 2013.
Exhibit 16. Outdoor light levels, common equivalents.
Exhibit 17. Upper (Graduate) Campus "Balance Pad" (stockpiled graded material). This document was provided by Pepperdine University for Commission hearing on LRDP 1-11A (December 13, 2012).
Exhibit 18. Exhibit 13b from the revised findings staff report for original certification of the LRDP dated December 21, 1989, "Conceptual Grading Plan" – with staff annotations indicating where the "western ridge crest" is, west of and outside of Marie Canyon and the horse arena pad area (the "conceptual grading plan" does not include the horse arena pad area).
Exhibit 19. LRDP map at time of original certification, 1990. (Equestrian facility in upper Marie Canyon is not shown on the map, only "RB" for the retention basin is shown in that location.)
Exhibit 20: Pepperdine submittal in support of LRDPA 91-2 (the beginning of a series of LRDPA/NOID submittals showing "357" for the future upper (graduate) campus as well as "357" location for pad/arena in upper Marie Canyon.
Exhibit 21: LRDPA 97-1 (2 pages) LRDP Map

Exhibit 22: LRDPA 97-1 and 97-2 LRDP Map (2 pages) (Facility 357-Equestrian Center-continues to be shown in upper Marie Canyon, removed from future upper (graduate) campus, and horse barn (small green square symbol on the map) authorized by coastal permit P-81-7818 in 1981 is shown for the first time as a part of Facility 357.

Exhibit 23: LRDPA 97-3 LRDP Map (2 pages).

Exhibit 24: Exhibit 2 from the revised findings staff report for original certification of the LRDP dated December 21, 1989 showing existing and proposed location of Coastal Slope Lateral Trail.

Exhibit 25: Map of "Erosion Gully Repair Site" - a 1.2-acre native plant habitat restoration of this area within an overall 3-acre area was required by the Commission as mitigation for loss of habitat due to expansion of stockpile site in Marie Canyon pursuant to LRDPA 97-2. Mitigation site is a portion of a braid of the Coastal Slope Lateral Trail corridor (that was relocated by Pepperdine to the south of the "gully" and is visible in the photograph).

Exhibit 26 Letter dated February 19, 1977 by Planning Consultants Research on behalf of Pepperdine, to Commission staff detailing the "Erosion Gully Repair Site" prior to submittal of LRDPA 97-2. (10 pages)

Exhibit 27 History of Equestrian Facility Permits researched by staff, 19 pages, with annotated aerial photograph c. 1977 provided by Pepperdine as base (includes colorized annotations).

14. Summary response by Commission technical services staff to Pepperdine's Commissioner Briefing Book (Version 1); six versions of the "Commissioner Briefing" materials were circulated to Commissioners and eventually provided to staff, as required (all six versions are provided as "Attachment E" to this addendum but are included in the on-line version only, due to the volume of material). Pepperdine informed staff that the content of individual pages changed between versions, and that different Commissioners received different versions, but did not specify what the changes were or which Commissioners received a particular version. In the limited time available, Commission staff ecologists overviewed Version 1 (only) and provided the following comments.

(Page references below are to Version 1 of Pepperdine's "Commissioner Briefing Books")

P. 2, 21, 22: 0.10 fc is consistent with the most conservative IESNA recommendations.
P. 14, 29: CEC has applied light zone 3 to Pepperdine. The California Energy Commission uses the IESNA zone system. LZ3 applies to the developed campus; See also Addendum Exhibit 16.
P. 17: There will be no effect on visual resources because the light fixtures will generally not be visible. But the sky glow and glare will be.
P. 20: Lighting is cool white light (not the red light that has been shown to impact birds). Implies that white light is OK. Studies have shown that both red light and cool white light interfere with bird orientation.
P. 30: Claims that light in ESHA is already at least 0.03 fc. Give no basis for this assertion – but if true that's still only 30% of 0.1. Also would indicate that the campus is already having a negative effect that shouldn't be exacerbated.

P. 31: Claims the ESHA has low or no stop over value for migrants. No basis for such a claim. Says nocturnal migrants won't be affected due to flight patterns and lighting design. Coastal flight patterns include Pepperdine and sky glow is the greatest danger.
P. 34: The schematic drawing of migration patterns includes some arrows along the coast. These depict general patterns and locations of the arrow not in evidence that Pepperdine is outside the migration corridor.
Explaining sky glow is important. It is not just something one experiences as a light in the distance. It increases the light on the ground and in environments removed from the area intended for illumination, is unpredictable. Sky glow effects can amplify light to the extent that it exceeds the brightness of moonlight.

From: James Benya <jbenya@benyalighting.com>
Date: Thursday, October 3, 2013 8:34 PM
To: Jonna Engel <Jonna.Engel@coastal.ca.gov>, Deanna Christensen <Deanna.Christensen@coastal.ca.gov>
Subject: Further Comments for Your Use

I received a couple of questions about lighting issues we've been discussing that I think you should know about as they might affect your work on Pepperdine.

1. Outdoor light sources with a lot of blue (high color temperature LED's >4000K) have significantly more environmental impact than light sources of lower color temperature (3500K and less). This is primarily due to (a) Rayleigh scattering that causes sky glow and (b) exaggerated short wavelengths especially around 450-480 nm (blue) that cause melatonin suppression in humans at night, and affect other species in many ways. I strongly recommend low color temperature sources and in extreme cases, monochromatic sources (e.g. Amber).
2. Off site impacts of light cannot be readily measured in footcandles, as the impact on the environment has more to do with lighting upsetting the nocturnal life of living being and is not always measurable in footcandles or lux. Vertical illumination at the property line is used as an easily calculated and measured value that is representative of the potential impact of light. Measurements taken at a distance beyond the property line are typically useless as the measurable amount falls as the square of the distance, but the impact is still valid due to intensity of the source. For this reason, outdoor lighting criteria for light trespass must be made in the vertical plane at the property line, and for this reason the IES recommendations in the tenth edition IES handbook are presented that way.
3. Lighting Zone 0 (LZ0) is intended to be any space that is be preserved, to be a refuge for wildlife, and/or to provide a wilderness experience for humans and other living beings. ESHA zones are in my opinion clearly LZ0. Because parks may be partly developed, they might be LZ0 or LZ1, depending on whether they are an experience with no significant manmade elements, or whether the park is developed with facilities catering to human activities such as sports , picnicking, etc. The light trespass criteria are accordingly different.
4. The light trespass criterion for LZ0 is 0.1 lux (0.01 footcandle) which is the light of the full moon. It is quite a bit of light in a dark setting. The trespass criteria for LZ1 is 1 lux (0.1 fc) which is 10 full moons. Excepting only the most commercial districts if any, in my opinion most if not all of Malibu is LZ0 or LZ1.
5. For many practical reasons, the Pepperdine campus may be in part LZ2. There is a process in the MLO for a community to decide this. But until the MLO is adopted and the process of determining community need is that great, I think Pepperdine should be required to meet LZ0 or LZ1 criteria.
6. Sports lighting is a huge challenge as the amount of off site trespass – measured properly as described above – generally exceeds the allowable light trespass for LZ3 or LZ4.

I hope these comments help in your work. Feel free to quote me. My review and comments are provided as a pro bono service to the State of California.

EXHIBIT 15
James Benya, Further Comments, 10/3/13
LRDP Amendment 1-11-B
Pepperdine University

Jim Benya

BENYA BURNETT CONSULTANCY

Humanizing Light.

Architectural lighting, daylighting, and epigenetic design promoting sustainable and passive wellness environments in support of living beings.

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Benya Burnett Consultancy is a division
of Design Services Inc., a woman owned small business

Mailing Address: 1612 Olympic Drive
Davis, California 95616 USA

October 6, 2013

Melanie Faust
California Coastal Commission
Via Email

Dear Melanie,

Please note: the following comments are provided as a *pro bono* service to the Coastal Commission. I received a 110-page document this morning and without funding, I am providing the following with only few hours available for review and comment. This has necessarily limited the detail of review and ability to provide a point-by-point argument to many points. I have therefore focused on what I believe may be the key points to which my comments may enlighten the discussion.

As follows:

1. Replacing existing globe lighting is long overdue, and in general the overall plan to improve campus lighting is commendable. However, there are parts of the plan that upon inspection do not appear to properly address the latest findings, standards and recommendations of lighting near or adjacent to environmentally sensitive areas, and deserve more review and debate.
2. **Regarding Illuminating Engineering Society (IES) Recommendations** IES recommendations change periodically and for good reason. New scientific research and findings must be incorporated into the IES recommendations, and the IES uses a number of published documents to do this. However, two types of IES documents, the IES Lighting Handbook and applicable IES Recommended Practices, represent the recommendations and policies of the IES. When apparently conflicting, the most recent document prevails, as it is generally consistent with the most recent science and beliefs.

   The most recent publication establishing the Light Trespass Illuminance Limits is Table 26.5 of the IES Lighting Handbook, 10th Edition[1]. Note that the values are in terms of lux[2] measured in the plane perpendicular to the line of sight to the luminaires at a reference point. The reference point is defined as the property

[1] IES Lighting Handbook, Tenth Edition, Page 26.14, Table 26.5
[2] A footcandle is a lumen per square foot falling onto a surface. A lux is a lumen per square meter. There are 10.76 square feet in a square meter, thus .01 footcandle would be equal to .1076 lux. The lighting industry by convention rounds off such that .01 footcandle is for practical purposes 0.1 lux.

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WWW.BENYABURNETT.COM

line, or the point at which light trespasses from one property to the next. The Environmental Impact Report including the 2012 Lighting Addendum (EIR) used values in the IES Lighting Handbook, 9th Edition that are also contained in the RP-33-1999, the first IES document addressing environmental impacts of outdoor light.

The IES now uses a five lighting zone system[3]. LZ0 is *"areas where the natural environment will be seriously and adversely affected by lighting impacts include (sic) disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished."* LZ1 is "*areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.*"

In my role of co-chairman of the Joint International Dark Sky Association/IES Task Force for a Model Lighting Ordinance (MLO), I played a significant role in creating the five-zone system and in writing the zone definitions in Table 26.4. The determination of the lighting zone requires input involving many points of view. **The intent of this new system was to involve biologists and community residents, as well as local planning commissions or other authorities, in determining the proper Lighting Zone for a particular land area.**

With regard to Dr. Oberkircher's involvement, we did not work with him in developing the MLO including the five-zone system. Fred served in IES leadership positions during the period of development of the MLO, and our Task Force was grateful for his wisdom and understanding in helping this ground-breaking document gain approval of the IES Board of Directors and Technical Review Committee. But I disagree with his assessment of the intent of the MLO with regard to the lighting zone system. While the Task Force was concerned about the juxtaposition of wilderness areas to developed areas, I firmly believe that the LZ0 definition does not prevent lighting from being used in LZ0. The MLO limits per luminaire lumens and candlepower using a system called "BUG"

[3] IES Lighting Handbook, Tenth Edition, Page 26.13, Table 26.4

(backlight-uplight-glare), or alternately, it uses values similar to Table 26.4. Some luminaires can meet the BUG "0-0-0" requirement. **However**, **because sports lighting cannot meet any of these limits and because it causes significant and unmitigable impact even in urban environments, the MLO provides a separate method for determining whether sports lighting should even be allowed. I have concerns whether sports lighting at the indicated canyon location, properly calculated and measured, can meet the limitations of LZ0, LZ1, LZ2 or even LZ3.**

All of this raises the major issue of whether the lighting systems typically found in urban colleges should be used at this campus, as it is immediately adjacent to Environmentally Sensitive Habitat Areas (ESHA) as designated by the California Coastal Commission. A purpose of my comments before and now is to point out that there is a Lighting Zone 0 (LZ0) that was not even mentioned in the EIR or the 2012 Lighting Addendum. **Since the 2012 EIR Lighting Addendum was clearly after the Handbook's publication, the Addendum should have addressed it and did not. If it is decided that ESHA constitutes LZ0, then the proper maximum of light trespass is .01 fc.**

By the way, .01 footcandle is the light level of a full moon. 0.1 footcandle is therefore 10 full moons.

3. **The Light Trespass must be calculated and/or measured at the property line, not at some arbitrary point beyond the property line.** The reason for this is that the property line is a maximum point of impact. The EIR established a large number of arbitrary sites. The measure of impact will obviously be less, and it might incorrectly represent that a lighting system has little impact when in fact its impact is substantial.

4. **The Light Trespass must be calculated and/or measured in the plane perpendicular to the line of sight, not the horizontal plane as representing in the EIR.** To demonstrate the importance of this, I will employ the following example. The light from a standard sports luminaire (NEMA 2x2 or similar) is typically 1 million candlepower in its beam. Assume that the luminaire is atop a 100-foot pole and it is located 1000 feet from the property line, with its main beam aimed at the property line. This would result in a horizontal plane light level of 0.0995 footcandles, barely meeting LZ1 trespass limits. But in the vertical plane at exactly the same point, the light level would be 0.995 footcandles (100 times as much) and in the perpendicular plane, the trespass level would be 1.0 footcandles. This exceeds the allowed trespass limit for LZ3. **I believe that**

the EIR erred in using horizontal illumination for representing light trespass values, especially for sports lighting, and has understated the impact. Note this occurred at Malibu High School and I would encourage those doubting the impact of sports lighting in Malibu to attend a lighted night event and bring a light meter.

5. Francis Krahe and Associations (FKA) demonstrated that they used the same field instrument that I use for luminance measurements and that this is acceptable. For the record, I reacted to their measurements because they used the term "footlamberts", which is deprecated and no longer supported by IES[4]. My apologies to FKA for inferring their use of an improper meter.

6. That said, I remain concerned about the EIR's luminance measurements. Source brightness has been generally identified as being the principal characteristic to which persons object[5], and it is the most attractive to birds, insects, and other living beings[6]. A meter measures luminance, but brightness is a complex function of source luminance(s), background luminance(s), size of source[7], the spectrum of light and other factors. The luminance of a luminaire must be measured such that all of the luminaire's illuminated optical elements fit within the 1-degree sensing field of the instrument. For a 1'10" diameter luminaire, the measurement must be made no further away than about 100'. Smaller luminaires would have to be measured closer. I could not determine from the EIR whether luminaire luminance was properly measured, or whether the luminance measurements were the average of luminaire and sky beyond. Because the impact to the viewer, whether human or flora and fauna, is the luminaire luminance, it is tantamount that the luminance of the luminaire is measured and not averaged into background luminance. I continue to suspect that the luminance measurements are averages and therefore I question whether the EIR readings were valid. Brightness in a low light ambient environment becomes "quite objectionable" for a medium area source (2.25 sf) occurs at a source luminance of 2500 cd/m2 (729 footlamberts)[8]. I believe that sports lighting systems, even when properly aimed, will have off-site source luminance exceeding 2500 cd/m2; in fact, the IES states "floodlighting

---

[4] IES TM-1-12, "The Five Lighting Metrics"; pp 5-7.
[5] IES TM-11-00, "Light Trespass: Research, Results and Recommendations", reaffirmed by the IES in 2011, pg 1
[6] Longcore and Rich, "Ecological Consequences of Artificial Night Lighting", 2005
[7] IES TM-11-00, op cit
[8] IES TM-11-00, page 7

> of a ball field…produces large quantities of light trespass, even when luminaires are used which sharply reduce intensity above the beam"[9]. When properly measured, **I believe that sports lighting will produce excessive light trespass and will be found "quite objectionable" per IES TM-11-00.**

***

On behalf of my partner Deborah and me, we hope these comments demonstrate our belief that that many of the assumptions in the EIR deserve greater scrutiny and may embody errors favoring the intent to site a lighted sports development over the environmental considerations. We would appreciate the chance to make a more complete contribution in the future.

Sincerely,

James R Benya, PE, FIES, FIALD

[9] IES TM-11-00, page 8

Condition	Illumination	
	(footcandle)	*(lux – metric unit)*
Sunlight	10,000	107,527
Full Daylight	1,000	10,752
Overcast Day	100	1,075
Very Dark Day	10	107
Twilight	1	10.8
Deep Twilight	.1	1.08
Full Moon	.01	.108
Quarter Moon	.001	.0108
Starlight	.0001	.0011
Overcast Night	.00001	.0001

Figure X. Common light levels outdoor during the day and night. Light Level or Illuminance, is the total luminous flux incident on a surface, per unit area. Illuminance is measured in foot candles *(ftcd, fc, fcd)* (or *lux* in the metric SI system). A *foot candle* is actually *one lumen* of *light density per square foot*, *one lux* is *one lumen per square meter*.

- *1 lux = 1 lumen / sq meter = 0.0001 phot = 0.0929 foot candle (ftcd, fcd)*
- *1 phot = 1 lumen / sq centimeter = 10000 lumens / sq meter = 10000 lux*
- *1 foot candle (ftcd, fcd) = 1 lumen / sq ft = 10.752 lux*

Source: The Engineering Toolbox.

EXHIBIT 16

Outdoor Light Levels Common Equivalents

LRDP Amendment 1-11-B

Pepperdine University

EXHIBIT 17

Upper (Graduate) Campus "Balance Pad"

LRDP Amendment 1-11-B

Pepperdine University

Source: Burbank Aerial Inc., 2011.

November 26, 2012

ENVICOM CORPORATION

PEPPERDINE UNIVERSITY CAMPUS LIFE PROJECT

Drescher Graduate Campus Balance Pad

FEET 0 175 350

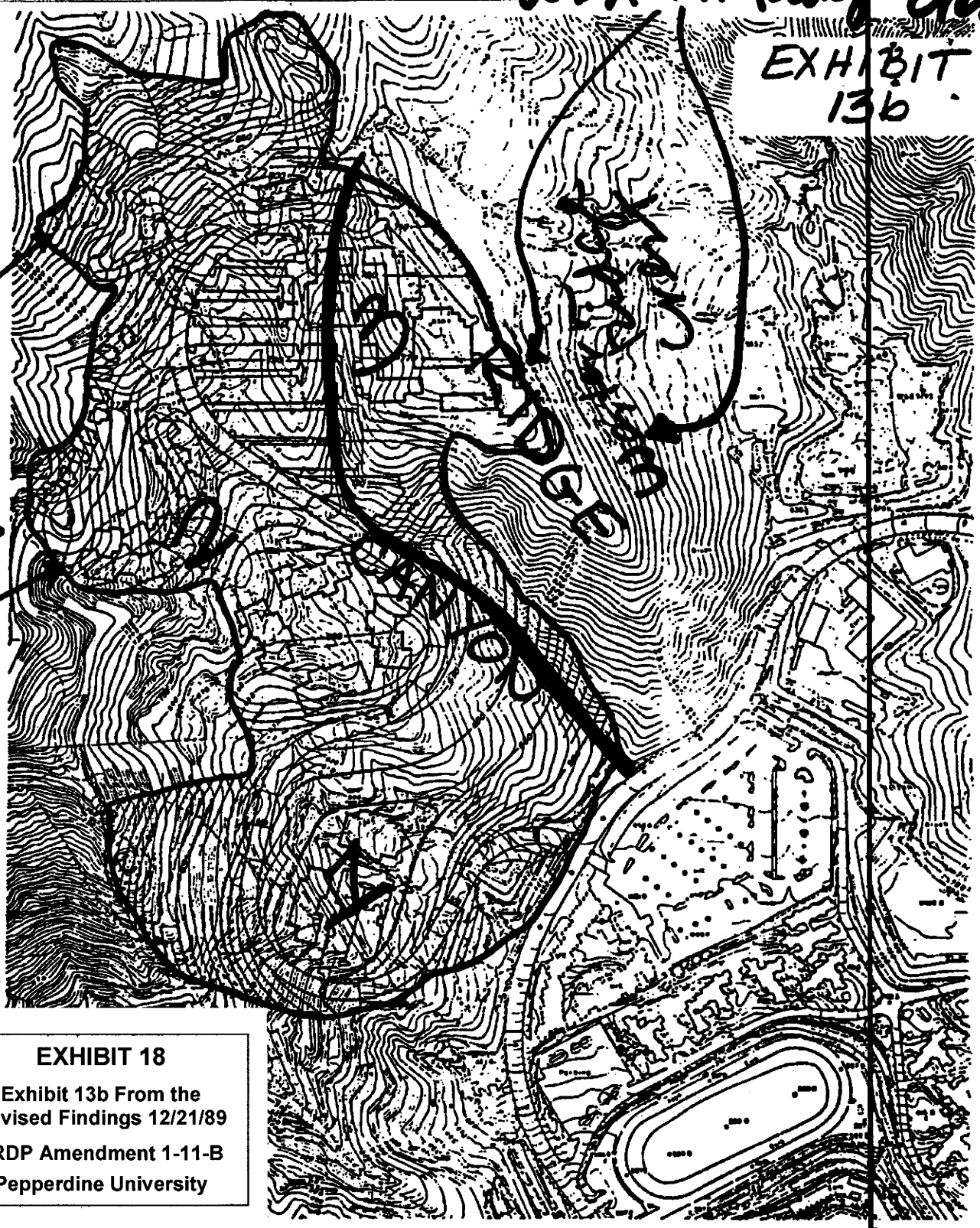


EXHIBIT 18

Exhibit 13b From the Revised Findings 12/21/89

LRDP Amendment 1-11-B

Pepperdine University

Pepperdine University • L.R.D.P. Units Outside of Existing Developed Area

Conceptual Grading Plan With Proposed Buildings

PROPOSED LAND USE

LRDP map at original certification

NOTES

1. TEMPORARY FACILITIES HAVE NOT BEEN INCLUDED ON THIS MAP.

TOTAL 830± ACRES

OPEN SPACE

OPEN SPACE

OPEN SPACE

OPEN SPACE

OPEN SPACE

MALIBU COUNTRY ESTATES

LEGEND

- EXISTING FACILITIES
- PROPOSED FACILITIES
- EXISTING ROAD
- PROPOSED ROAD

Proposed "357" (upper campus)

Marie Canyon

"RB" Retention Basin

MALIBU CANYON ROAD

PACIFIC COAST HIGHWAY

M.W.D.

PEPPERDINE UNIVERSITY
SPECIFIC PLAN FOR
DEVELOPMENT 1982-1997
OCTOBER 1983
REVISED SEPTEMBER, 1988
REVISED AUGUST, 1989 (2)

GENERAL DESCRIPTIONS & USES OF PROPOSED BUILDINGS/FACILITIES ARE LISTED SEPARATELY.

EAI ENVIRONMENTAL AUDIT, INC.
Planning, Environmental Analyses and Hazardous Substances Management and Remediation
1000-A ORTEGA WAY PLACENTIA, CA 92670-7125
714/632-8521 FAX: 714/632-8754

EXHIBIT 19

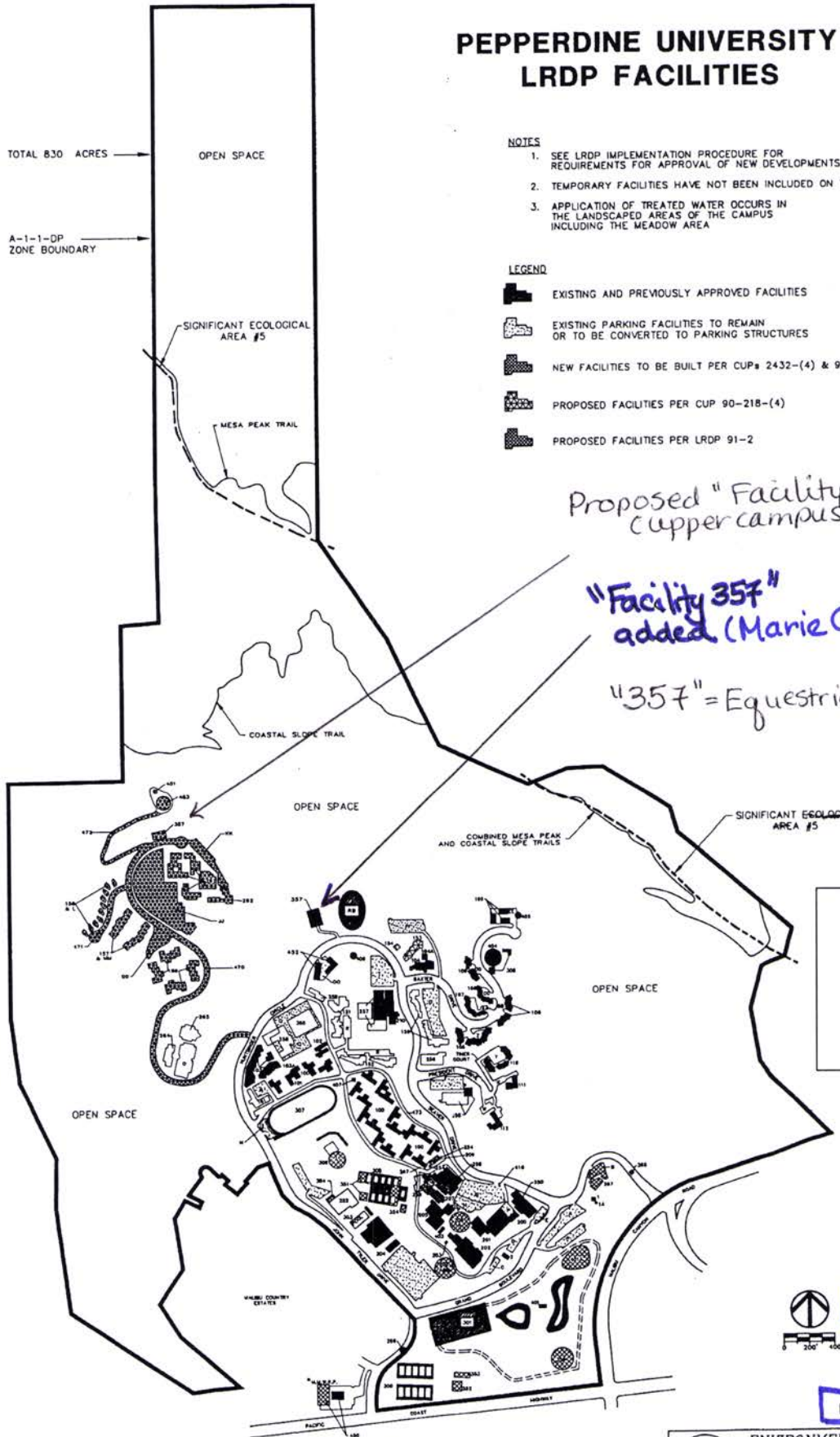
LRDP Map at Time of Original Certification, 1990

LRDP Amendment 1-11-B

Pepperdine University

ATTACHMENT E

PEPPERDINE UNIVERSITY
LRDP FACILITIES



NOTES

1. SEE LRDP IMPLEMENTATION PROCEDURE FOR REQUIREMENTS FOR APPROVAL OF NEW DEVELOPMENTS
2. TEMPORARY FACILITIES HAVE NOT BEEN INCLUDED ON THIS MAP.
3. APPLICATION OF TREATED WATER OCCURS IN THE LANDSCAPED AREAS OF THE CAMPUS INCLUDING THE MEADOW AREA

LEGEND

- EXISTING AND PREVIOUSLY APPROVED FACILITIES
- EXISTING PARKING FACILITIES TO REMAIN OR TO BE CONVERTED TO PARKING STRUCTURES
- NEW FACILITIES TO BE BUILT PER CUPs 2432-(4) & 90-181-(4)
- PROPOSED FACILITIES PER CUP 90-218-(4)
- PROPOSED FACILITIES PER LRDP 91-2

Proposed "Facility 357" (upper campus)

"Facility 357" added (Marie Canyon)

"357" = Equestrian Facility

BUILDING NUMBERS, GENERAL DESCRIPTIONS & USES OF PROPOSED BUILDINGS/FACILITIES ARE LISTED IN THE SPECIFIC PLAN (REVISED VERSION: OCTOBER, 1983) AND THE LRDP IMPLEMENTATION PLAN (MARCH, 1990)

REV. MAY 1, 1991
REV. APRIL, 1990 - CUP'S
REV. MARCH, 1990 - GEN.
REV. AUGUST, 1988
NOVEMBER, 1984

EXHIBIT 20

Pepperdine Submittal in Support of LRDPA 91-2

LRDP Amendment 1-11-B

Pepperdine University

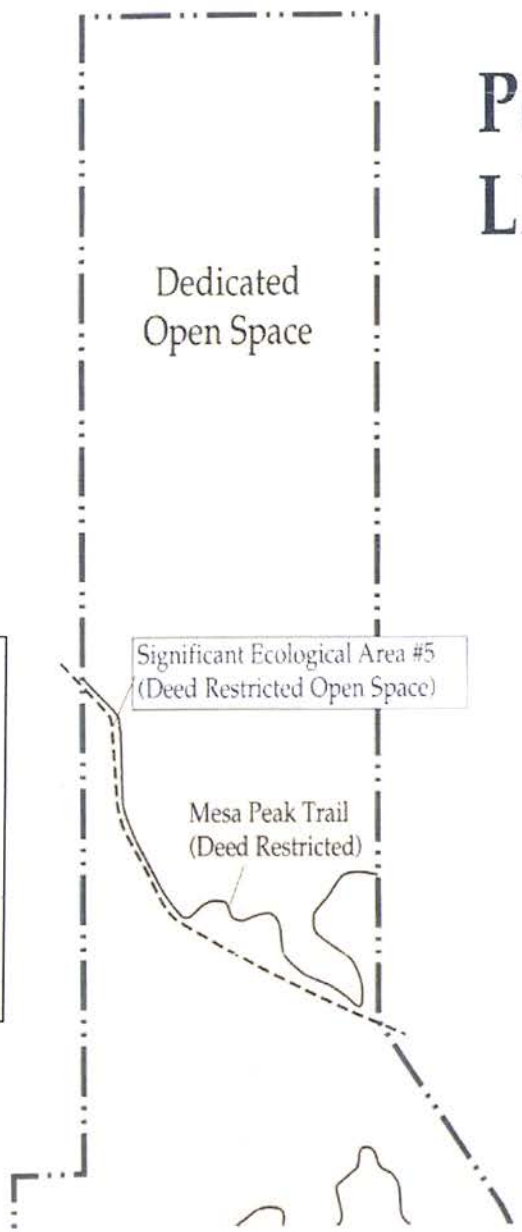
LRDPA 91-2

LRDP 91-2

ENVIRONMENTAL AUDIT, INC.
1000-A ORTEGA WAY • PLACENTIA, CA 92870-7125
714/632-8521 • FAX: 714/632-8754
Planning, Environmental Analysis and Hazardous Substances Management and Remediation

DRAWN	DATE CREATED	CLIENT	APP.DATE	FILE NAME
JPL	4/01/91			
CHKR	DETAILS	DATE	SCALE	DWG NO. 1040LU3A.DWG

Pepperdine University Malibu Campus
LRDP Minor Amendment 97-1



LEGEND

- Existing Facilities
- Existing Facilities to be Modified
- Approved But Not Yet Built LRDP Facilities
- Facilities Per LRDP Minor Amendment 97-1

LRDP Minor Amendment 97-1

- ❹ Tyler Campus Center Roof Fill-in [LRDP #202 (portion)]
- ❺ Tyler Campus Northwest Expansion [LRDP #202 (portion)]
- ❼ Restroom

EXHIBIT 21
LRDPA 97-1
LRDP Map
LRDP Amendment 1-11-B
Pepperdine University

"Equestrian Facility" = "357"

"357" (future upper campus)

"357" horse arena – Marie Canyon

"Existing Facilities per legend"

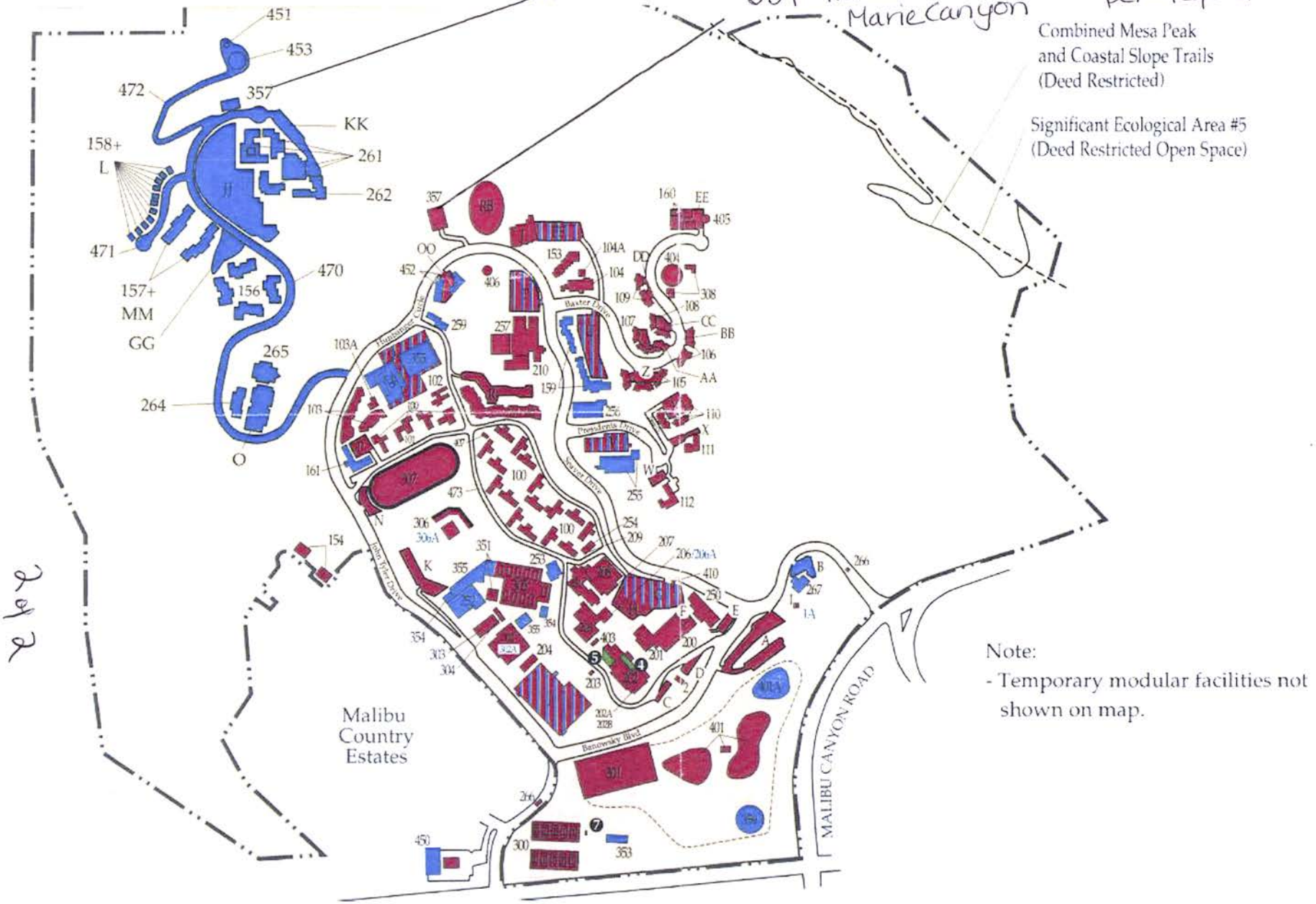
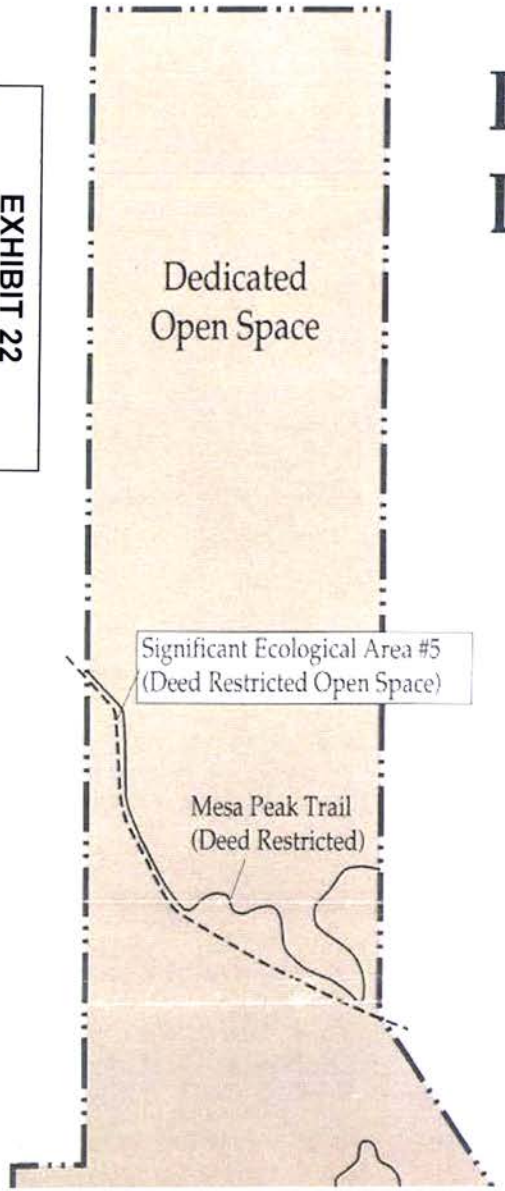


EXHIBIT 22
LRDPA 97-1 & 97-2
LRDP Map
LRDP Amendment 1-11-B
Pepperdine University

Pepperdine University Malibu Campus
LRDP Amendments 97-1 & 97-2



LEGEND

- Existing Facilities
- Existing Facilities to be Modified
- Approved But Not Yet Built LRDP Facilities
- Facilities Per LRDP Amendment 97-1
- Facilities Per LRDP Amendment 97-2

LRDP Minor Amendment 97-1

❹ Tyler Campus Center Roof Fill-in [LRDP #202 (portion)]
❺ Tyler Campus Northwest Expansion [LRDP #202 (portion)]
❼ Restroom

LRDP Amendment 97-2

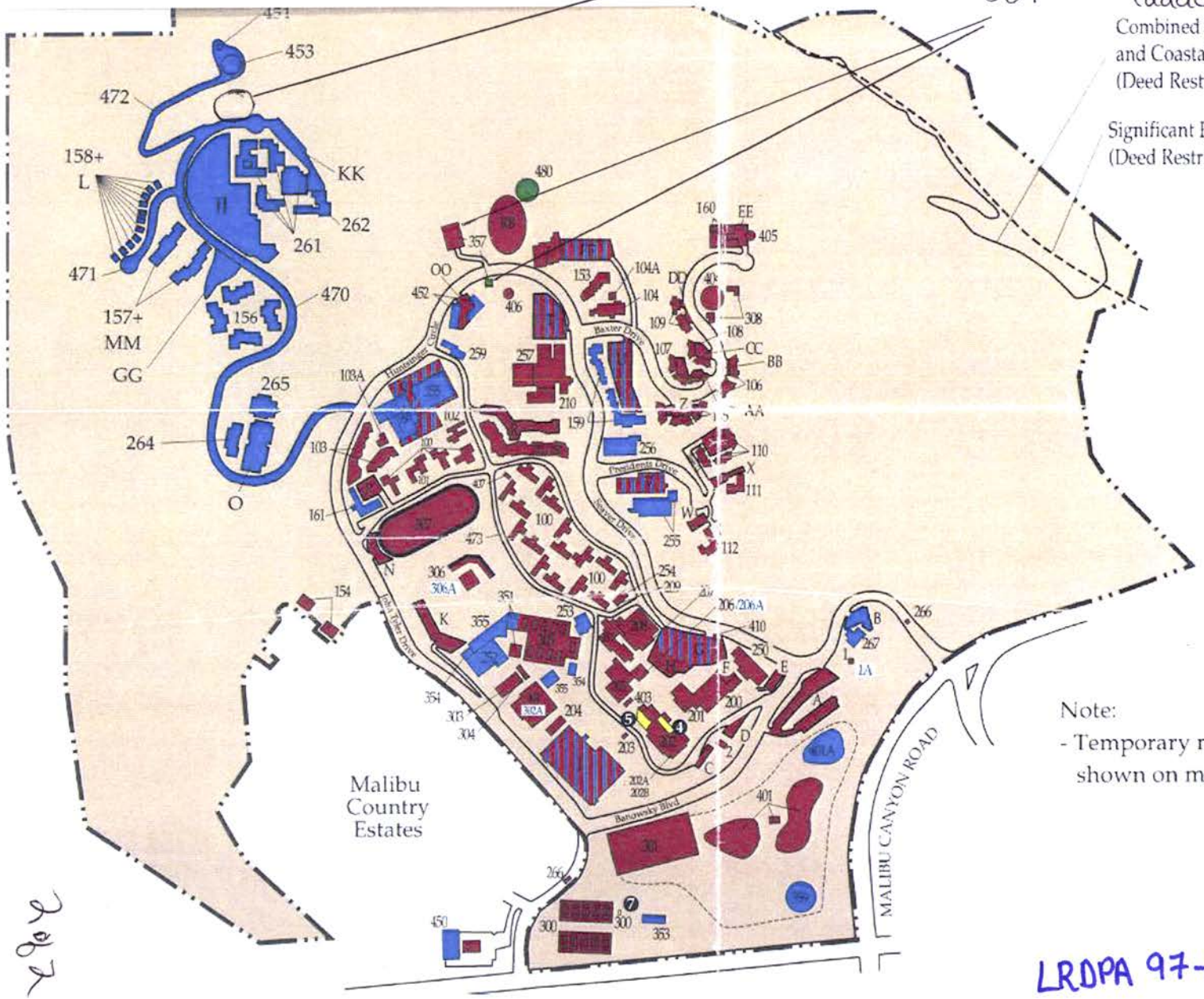
Facility 480 - Stockpile Area

Facility 357 - Equestrian Center *

"357" = Equestrian Facility

"357" (deleted)

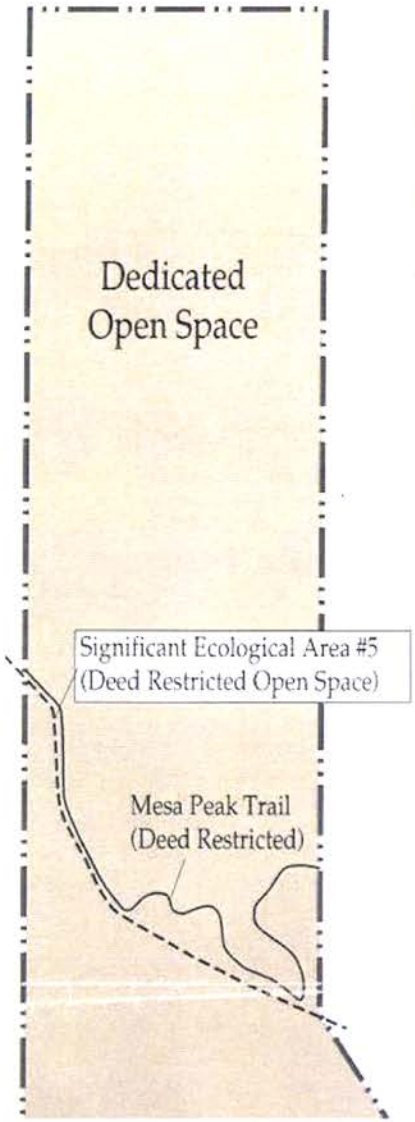
"357" — Marie Canyon Arena
Stable South of Huntsinger Circle
(added for first time, but constructed in 1981 (per permit # P-81-7818) Exhibit D-5 (plans for stable & ring (South of Huntsinger Circle)



LRDPA 97-1&97-2

EXHIBIT 23
LRDPA 97-3
LRDA Map
LRDP Amendment 1-11-B
Pepperdine University

Pepperdine University Malibu Campus
LRDP Amendment 97-3

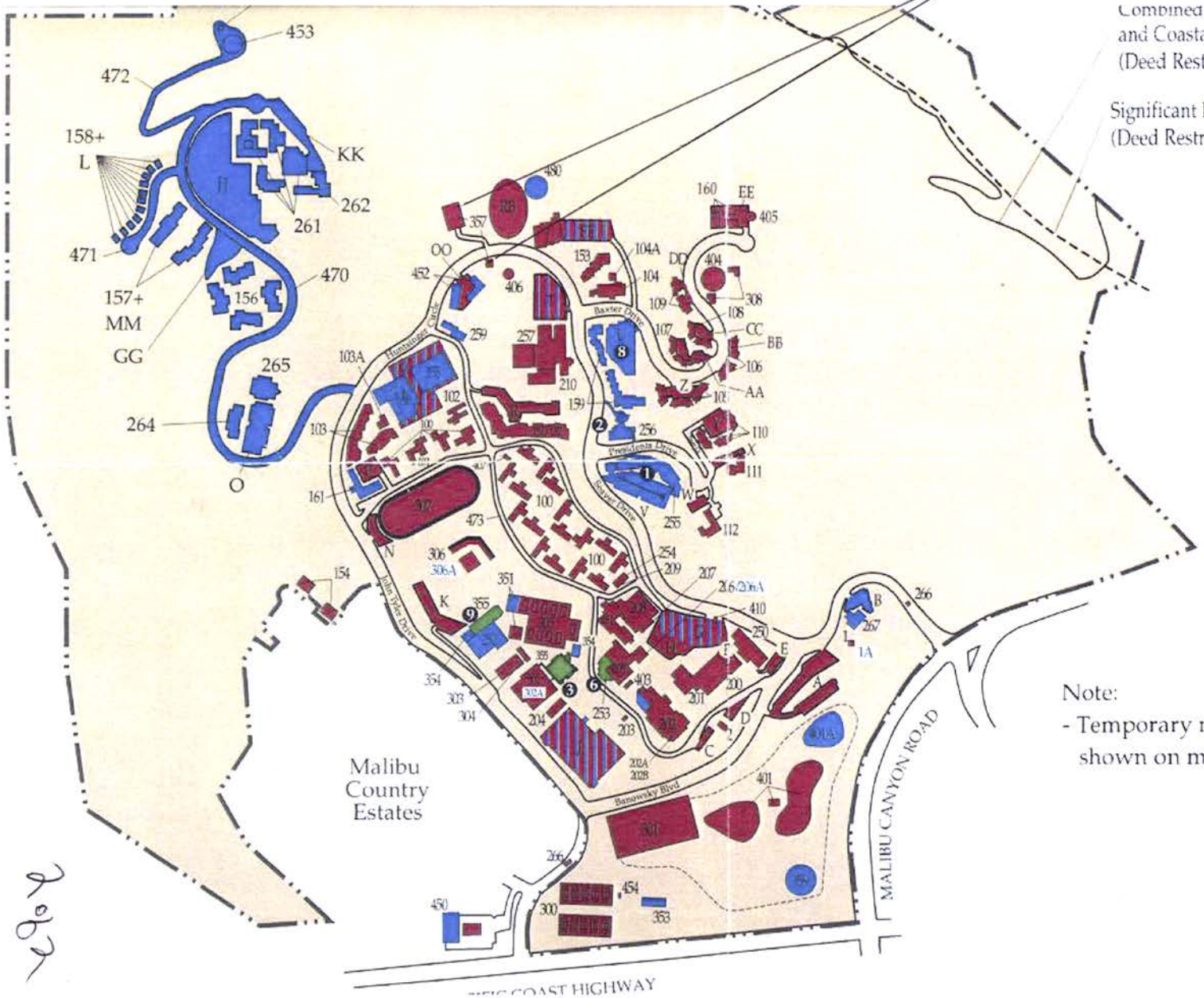


LEGEND

- Existing Facilities
- Existing Facilities to be Modified
- Approved / Pending But Not Yet Built LRDP Facilities
- Facilities Per LRDP Amendment 97-3

1. Academic/Professional Building [LRDP #255] and associated parking [LRDP #V] *(no amendment required)*
2. Academic Building [LRDP #256] *(no amendment required)*
3. Gymnasium Annex [LRDP #355 (portion)]
6. Science Annex [LRDP #253]
8. Parking Deck [LRDP #U] *(no amendment required)*
9. Aerobics Fitness Center [LRDP #355 (portion)]

"357" arena & barn shown as "existing facilities"



902

EXHIBIT 2

PEPPERDINE UNIVERSITY – EXISTING CAMPUS

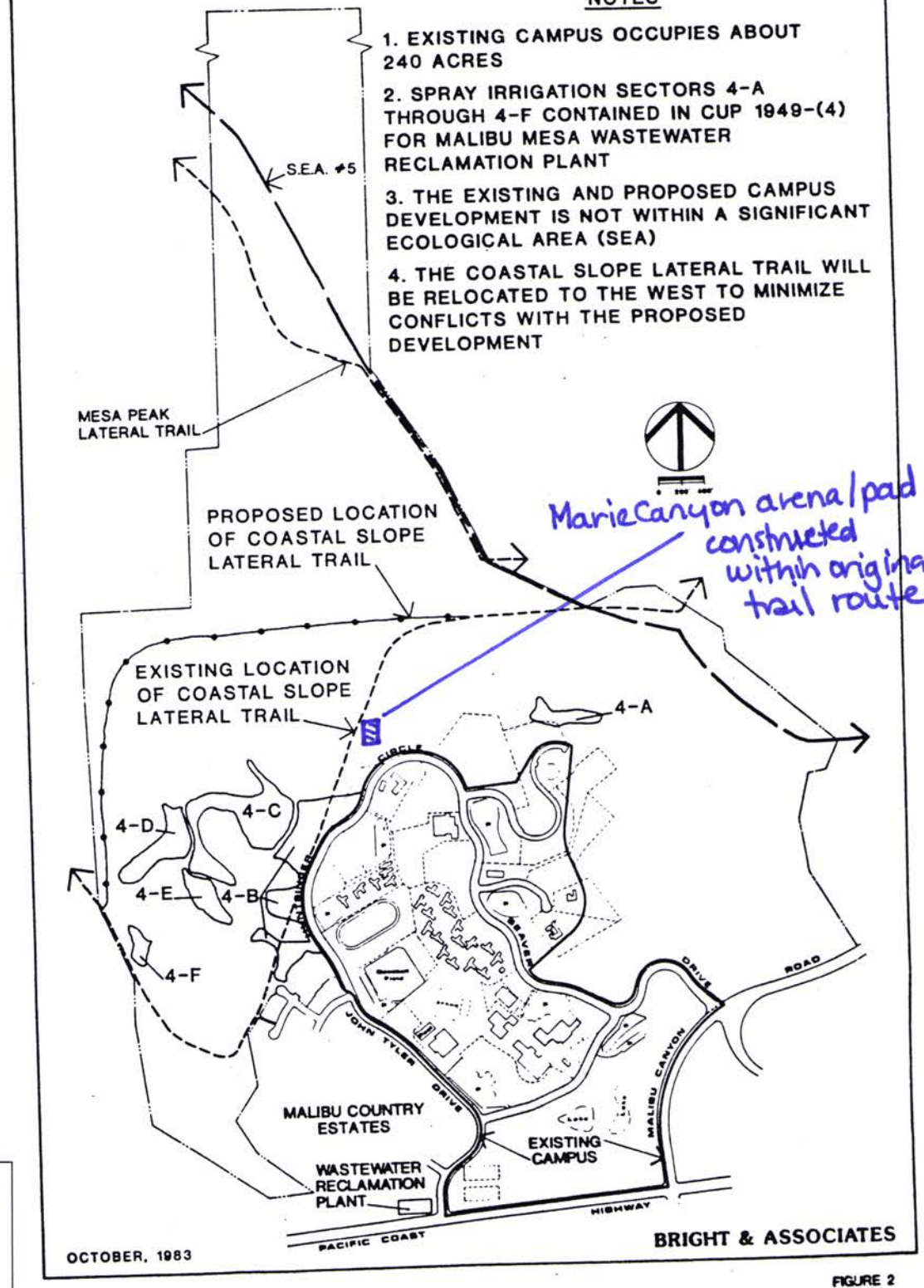


FIGURE 2

EXHIBIT 24

Exhibit 2 from Revised Findings, 12/21/89

LRDP Amendment 1-11-B

Pepperdine University

EXHIBIT 25
Map of "Erosion Gully Repair Site"
LRDP Amendment 1-11-B
Pepperdine University

ENVICOM CORPORATION

Location of Erosion Repair Mitigation Site

FEET 0 100 200

Planning Consultants Research

Environmental, Economic, and Development Research for Land

EXHIBIT 26
Letter Dated 2/19/77 by Planning Consultants Research
LRDP Amendment 1-11-B
Pepperdine University

February 19, 1997

Mr. Jack Ainsworth
Ms. Rebecca Richardson
CALIFORNIA COASTAL COMMISSION
89 South California Street
Ventura, California 93001

RE: MARIE CANYON FIELD MEETING AT PEPPERDINE UNIVERSITY, MALIBU, CALIFORNIA

Dear Mr. Ainsworth and Ms. Richardson:

Thank you for having scheduled the time to meet with Pepperdine University representatives and myself next Friday, February 21, regarding the Marie Canyon stockpile site and erosion remediation currently being considered by Pepperdine University. There are two activities within the Marie Canyon watershed which the University is currently considering:

1. Obtain any necessary permission to construct and maintain an earth material stockpile on the eastern margin of the existing debris basin in Marie Canyon. The stockpile would be phased as needed, and would be placed at the outlet of minor tributaries in the canyon which have been identified as Drainages A and B, necessitating diversion around the stockpile. The establishment and maintenance of a stockpile site may require approval of a minor modification to Pepperdine University's LRDP, under provisions of the Coastal Act. A stockpile site would, however, be consistent with the California Coastal Commission's request to balance grading operations on-site, and may only require administrative approval.

2. The University is considering remediating a Marie Canyon gully currently experiencing accelerated erosion problems and landsliding. Remediation is proposed as a mitigative measure to minimize sediment load and accumulations in the Marie Canyon drainage system, as well as to minimize the size of the

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proposed stockpile by utilizing clean fill material in the remediation process. This erosional feature (which feeds into Drainage D at three locations - see Figure 1) appears to be human-created from prior disturbances (roadbuilding, fire, etc.). Both Drainage D and this feature are abnormally wide and deep given the small size of their respective watersheds. The previously referenced gully would be restored in a manner consistent with other natural small upland drainages on the property. Failure to remediate these drainages could result in further slope destabilization and excessive erosional problems.

It is our expectation that remediation of this sort would not be subject to further review by the California Coastal Commission. Both the Army Corps of Engineers and the California Department of Fish and Game determined during a site investigation on January 14, 1997 that this feature was not subject to either ACOE or CDFG regulatory authority.

In order to assist you with evaluating the concepts presented above and the conditions you will find in the field, I am enclosing several documents for your review. These documents include:

1. Graphics indicating the location and condition of the drainages and gullies;

2. Marie Canyon Stockpile Grading Plan by A. C. Martin & Associates dated December 1996;

3. Aerial Photograph series of Marie Canyon dated July 1994, March 1995 and December 1996 and ground photographs dated December 1996; and

4. Marie Canyon Biological Report - December 1995.

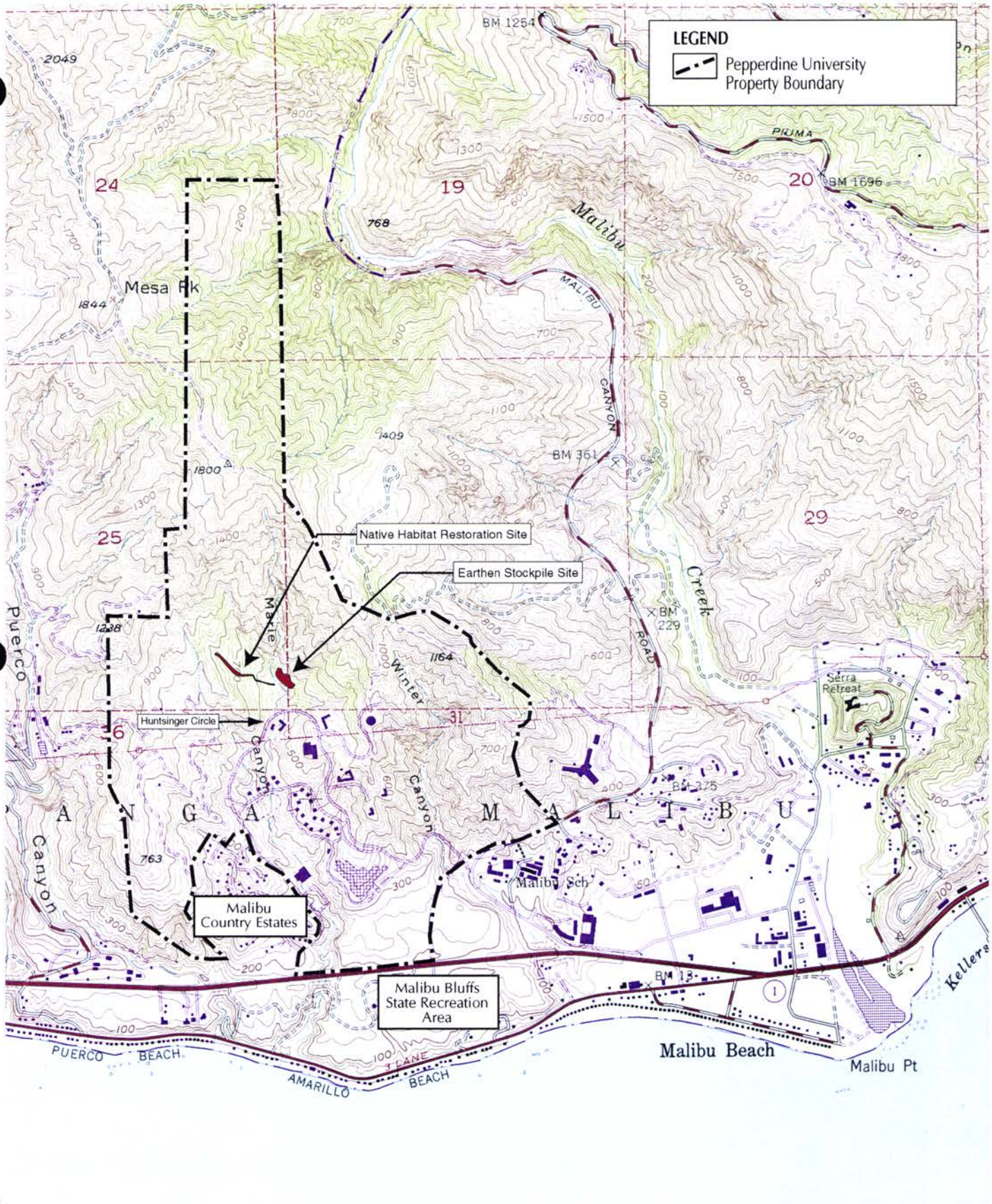
Thank you for your review of this matter and for the upcoming field visit. Please call me at (310) 451-4488 or Phil Phillips at (310) 456-4702 if questions arise prior to the meeting.

Respectfully,

PLANNING CONSULTANTS RESEARCH

Samuel Reed
Principal Planner/Ecologist

cc: Lucinda Starrett, Esq., Latham and Watkins
Phil Phillips, Pepperdine University



Source: USGS Quadrangle, Malibu Beach, CA., 1981

Local Setting

4 of 11

ENVICOM CORPORATION

FEET 0 500 1000 2000

FIGURE 2

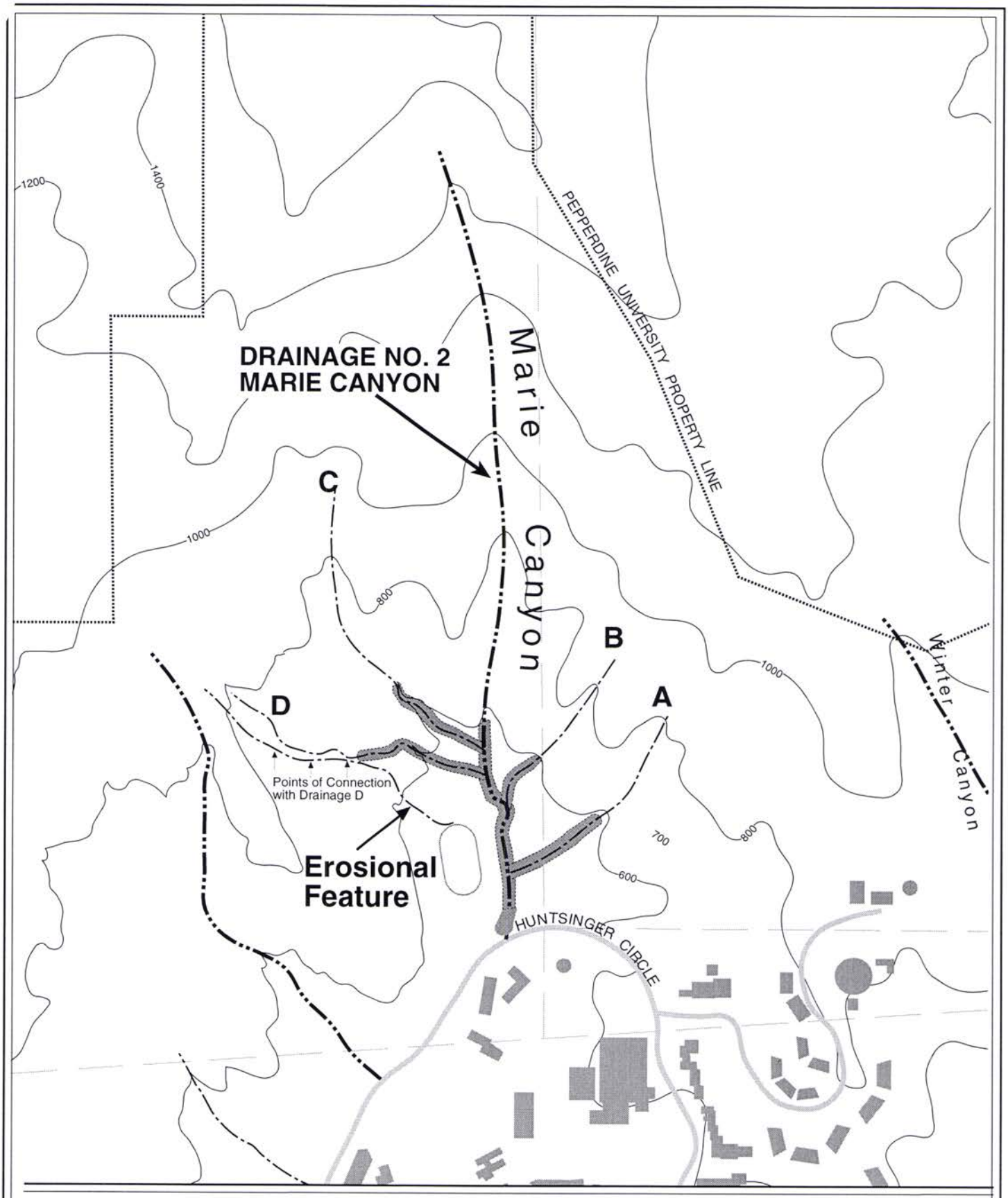
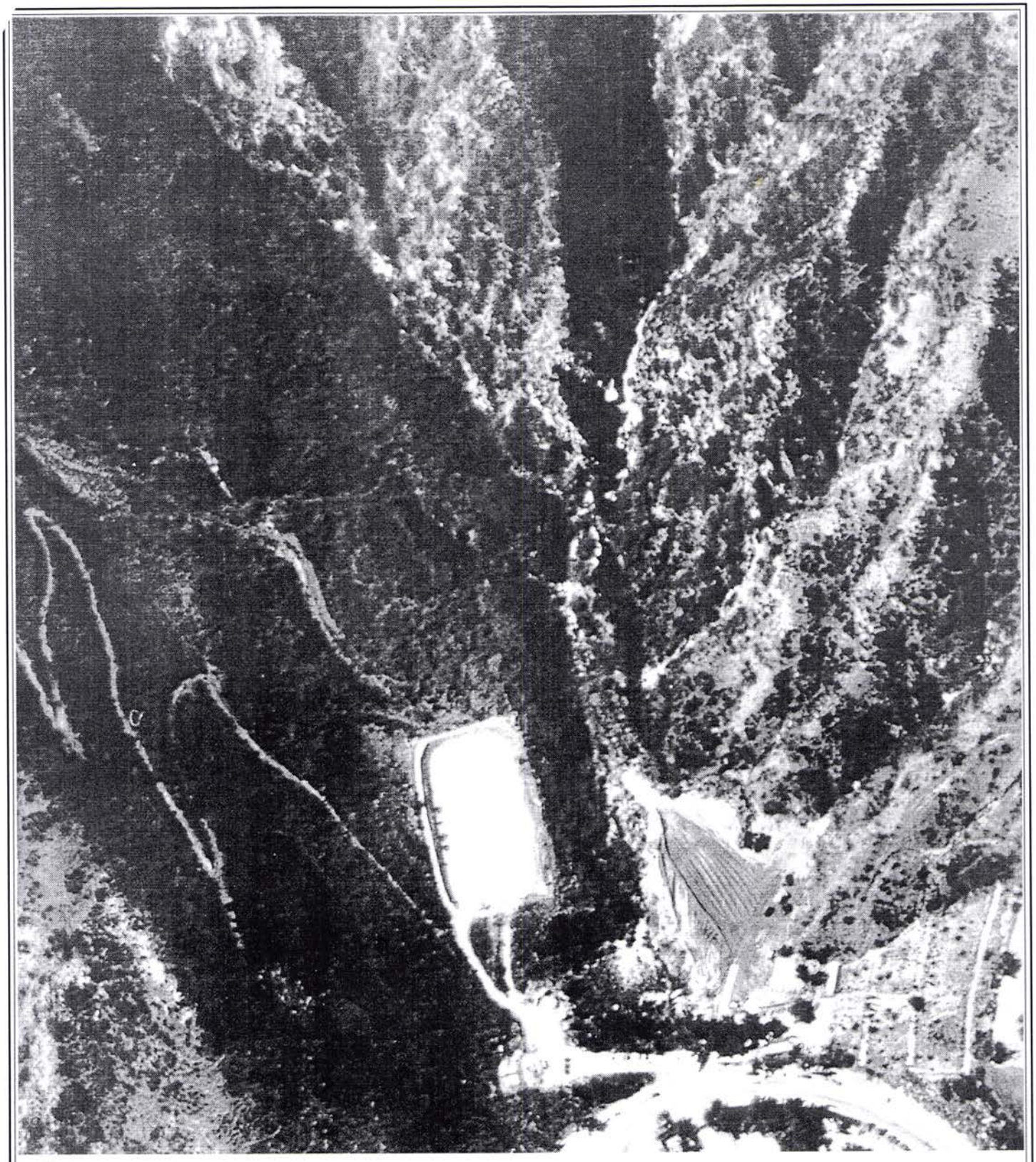


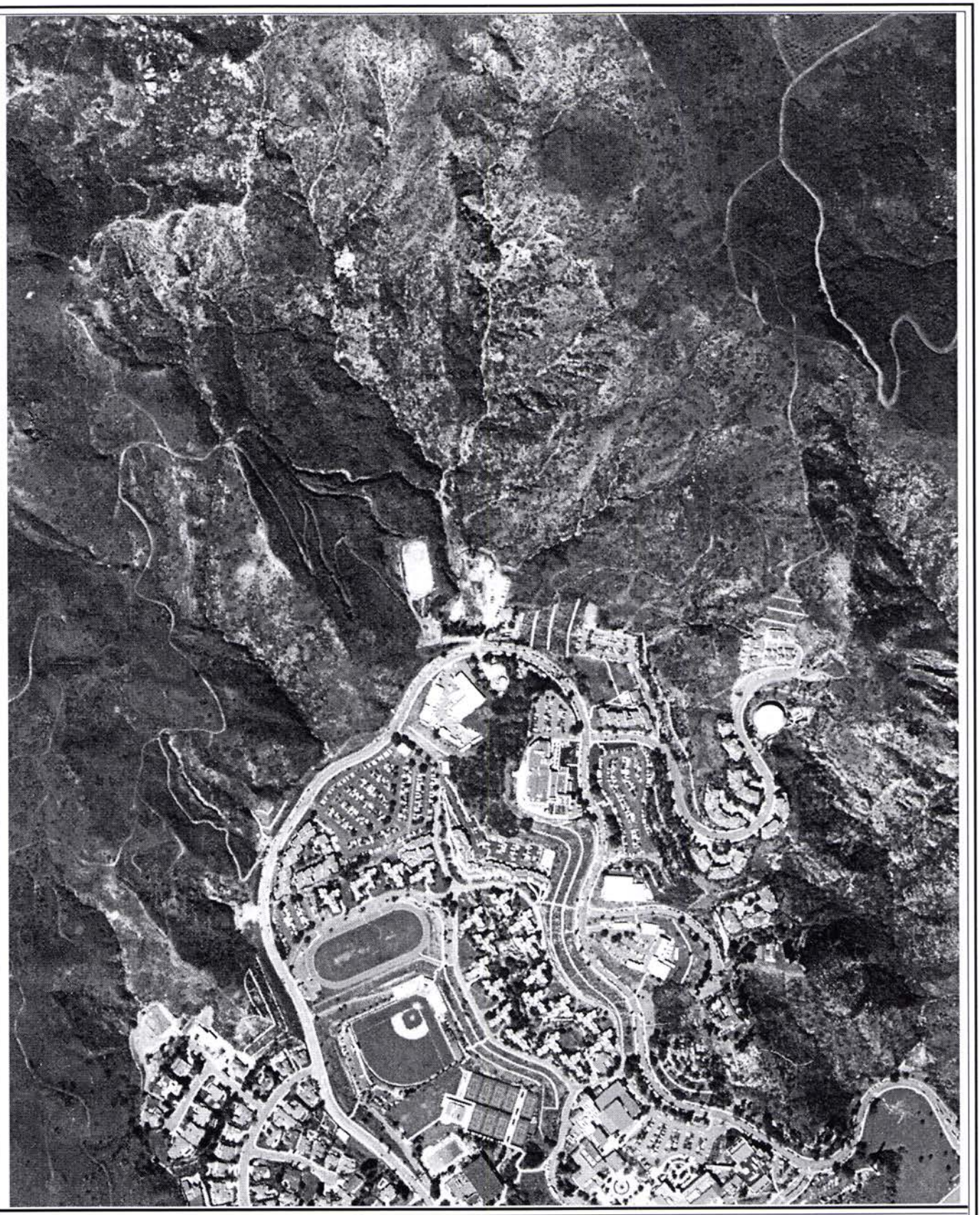
FIGURE 1
STREAM SEGMENTS IN LOWER MARIE CANYON

5 of 11



Planning
Consultants
Research

FIGURE 2
AERIAL PHOTOGRAPH OF THE MARIE CANYON DRAINAGE- JULY 1994



Planning
Consultants
Research

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FIGURE 3
AERIAL PHOTOGRAPH OF THE MARIE CANYON DRAINAGE-MARCH 1995

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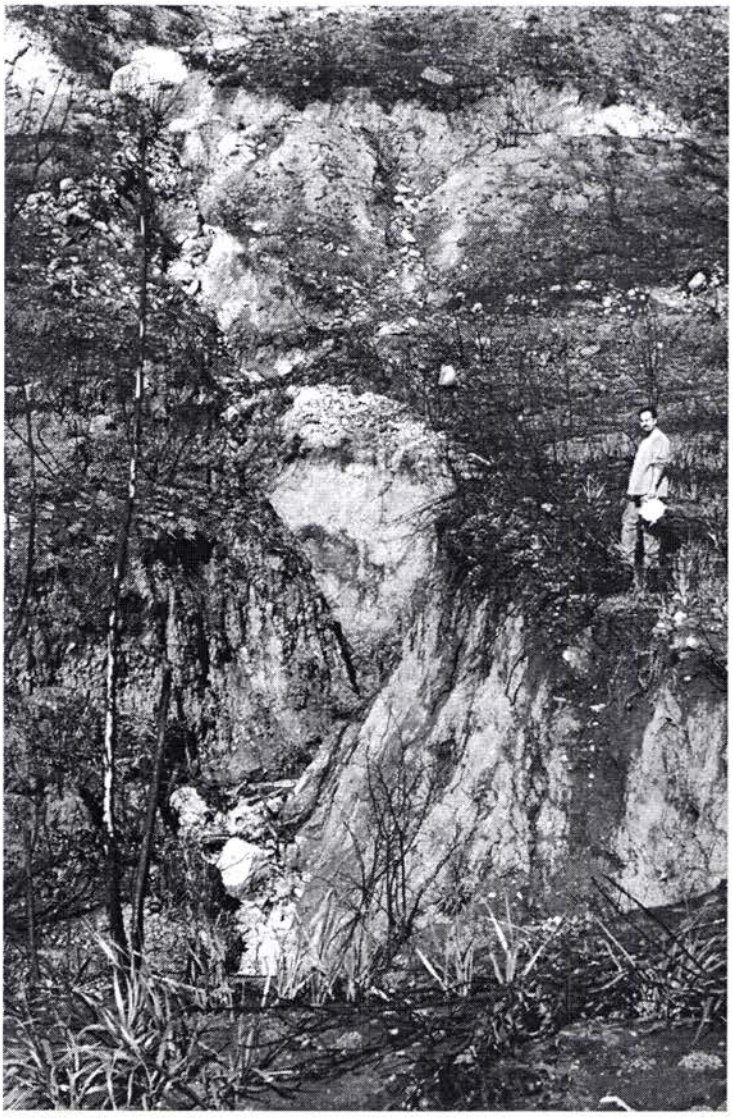
Research

FIGURE 4
AERIAL PHOTOGRAPH OF THE MARIE CANYON DRAINAGE-DECEMBER 1996

Pepperdine University - December 1996
The developed portion of the campus and the equestrian ring can be seen in the left side of the photo. Drainage D and the erosional gullies adjacent to Drainage D run parallel below the switchback road. This perspective faces south from higher elevation.

Planning
Consultants
Research

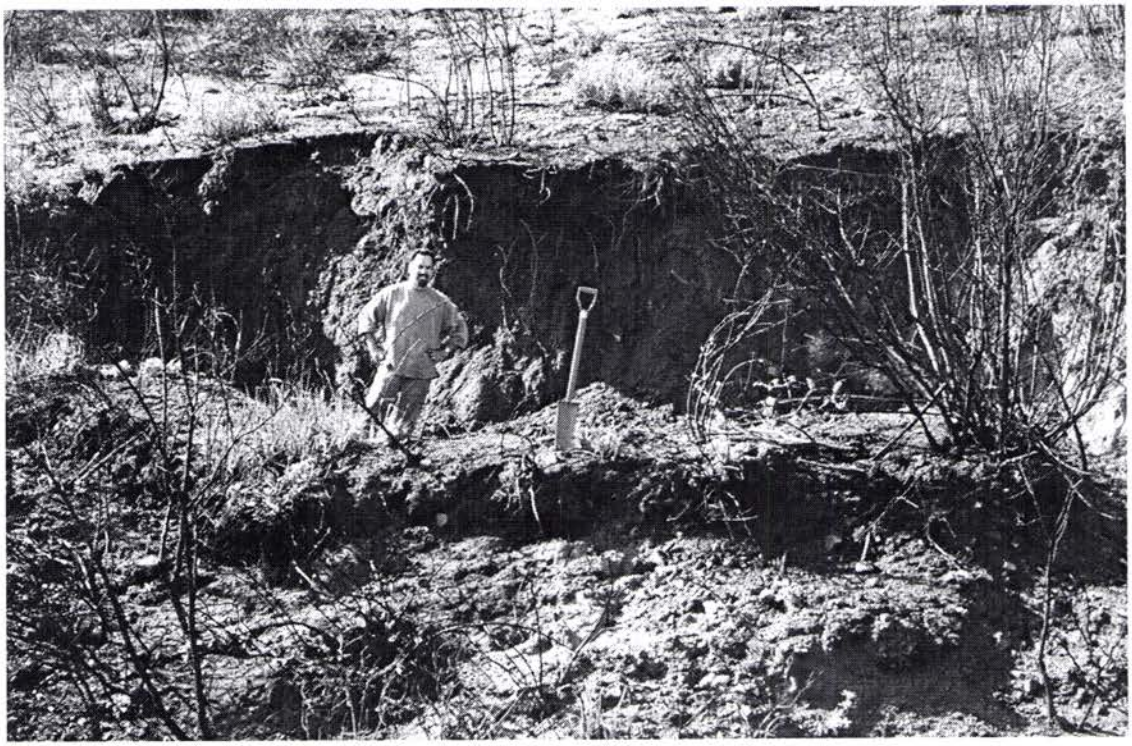
FIGURE 5
GROUND PHOTOGRAPH



Pepperdine University - December 1996
An upper segment of the erosional feature. Depth of gully is approximately 25 feet below natural grade at this location.

Planning
Consultants
Research

FIGURE 6
GROUND PHOTOGRAPH



Pepperdine University - December 1996
Within this erosional feature, landslides and ground failure are common. Note field personnel between slumped material in foreground and natural grade in background, as well as root exposure and other disturbances.

Planning
Consultants
Research

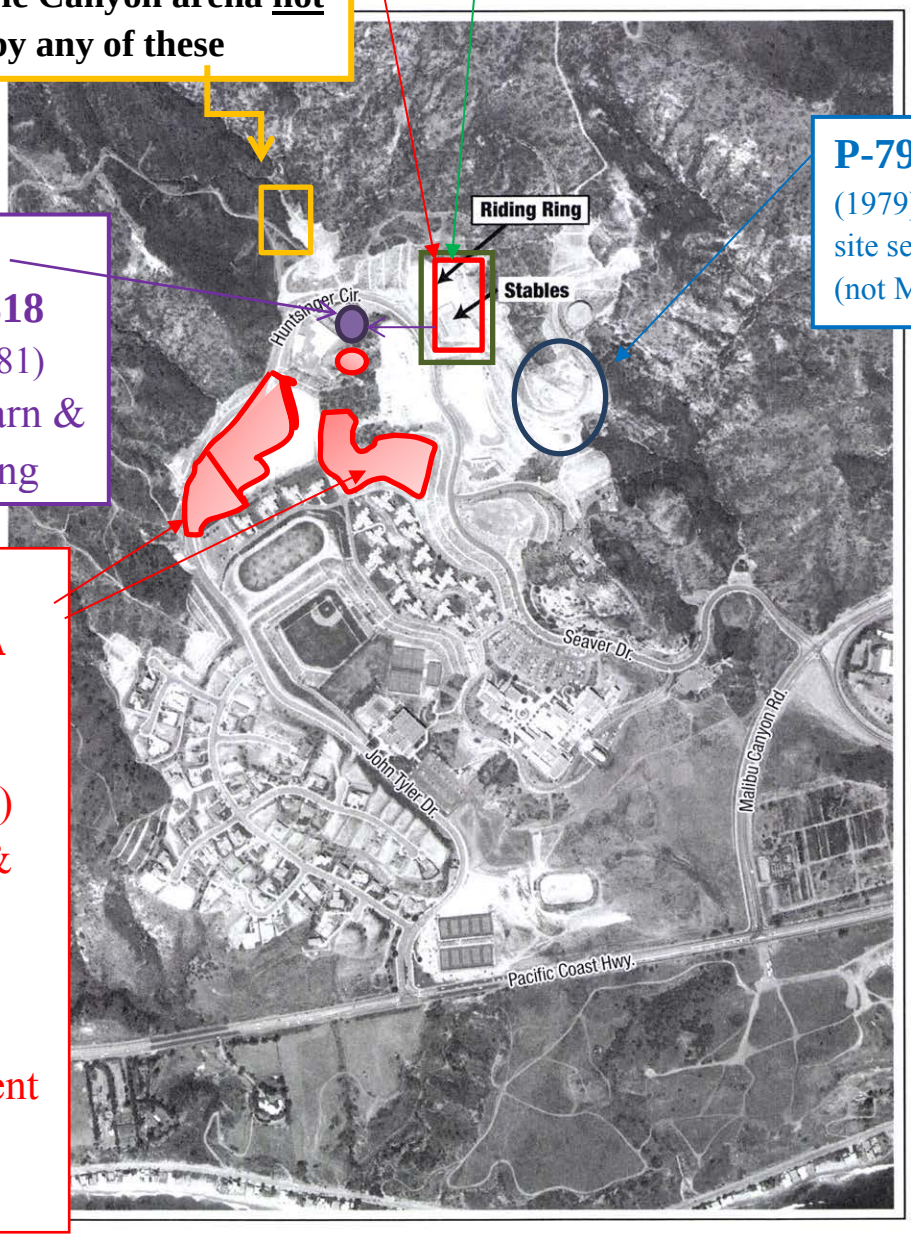
FIGURE 7
GROUND PHOTOGRAPH

11 of 11

(2)
P-80-7325 (1980)
OK to DISMANTLE horse facilities

(1)
Original horse facilities

Upper Marie Canyon arena <u>not permitted</u> by any of these



P-79-5488
(1979) 24 corrals on site set for housing (not Marie Canyon)

(3)
P-81-7818
(early 1981)
relocate barn & horse ring

(4)
5-81-395A
(late 1981)
(amended P-80-7325)
place fill & relocate remaining equestrian development in filled areas.

History of Equestrian Facility Permits.
Pepperdine University LRDPA 1-11B

Base aerial c. 1977 provided by Pepperdine University.

Exhibit 27
(19 pages)
Equestrian facility permit history
LRDPA 1-11B
Pepperdine University

Pepperdine Equestrian Facility Permit History

Pre-LRDP Permits (1975 – 1981) & Color Codes:

P-4-24-75-5129
P-79-5488
P-80-7325
P-81-7818
5-81-395A (amendment of P-80-7325)

Conclusion of permit history review (detailed below):
The five coastal development permits listed above are the only Commission permit files that have been identified by Commission staff and the applicantthat reference Pepperdine equestrian facilities. Staff has retrieved and reviewed the pertinent original files from Commission archives. In addition, for more than three months, since July 3, 2013, after discovering inconsistencies in Pepperdine's representations about 5-81-395A, staff has requested that Pepperdine explain these inconsistencies and identify any other Coastal Commission permits that may have authorized the arena and arena lights in upper Marie Canyon, north of Huntsinger Circle Drive.

Staff photocopied the key file documents associated with 5-81-395A and provided the documents immediately to Pepperdine upon Pepperdine's request in an effort to resolve the matter. Pepperdine has not, in response, identified any Commisson permits besides those listed above.

Notably, none of the above listed permits show, illustrate, reference, or otherwise acknowledge – and conclusively do not approve - equestrian facilities in upper Marie Canyon (north of Huntsinger Circle).

P-4-24-75-5129 authorizes equestrian development associated with the original horse facility site (referred to as "facility 14"). The Commission's file for P-79-5488 (an application for construction of housing and other non-equestrian development) states that the proposed site contained – at that time – 24 temporary

horse corrals. The subject site was near an existing water tower, not in Marie Canyon, so this reference and location did not describe a pre-existing equestrian facility use in upper Marie Canyon. No other permit records address relocation of the corrals, but the barn (at the P-4-24-75-5129 site) contained facilities for 26 horses.

If Pepperdine in fact moved the temporary corrals to a pad that had been previously graded in upper Marie Canyon, that would have required a permit. The grading of the pad itself would have required a permit (no such permit has been provided by Pepperdine, and Pepperdine's assertion that 5-81-395A authorized construction in upper Marie Canyon is completely without foundation and discounts the true facts of the 5-81-395A record, which has been provided to Pepperdine).

Finally, when, in 1980, the equestrian facility then known as "Facility 14" was being removed to make way for construction of what is now the Page Residential Complex, dismantling the existing equestrian facility ("facility 14") was addressed in the following permits: P-80-7325 (authorizing the dismantling of the horse facility, only); relocation of the dismantled equestrian facility was addressed in early 1981 (May) by P-81-7818 (including a map of the new barn and exercise ring authorized south of Huntsinger Circle Drive); and later in 1981 (October) , 5-81-395A (including a map of the approved locations) authorized the relocation of the remainder of the equestrian facilities within the same general area south of Huntsinger.

Since P-81-7818 dealt with the barn and provided for a small exercise ring, the final component of "Equestrian Facility 14" that required relocation was the arena (or a pair of arenas, if full replication was intended, as sufficient approved space for both was provided by 5-81-395A).

Despite the clear facts of the 5-81-395A permit file, Pepperdine disputes (letter to the Commission copied to staff on Friday, October 4, 2013) that the subject location approved pursuant to the permit 5-81-395A for placement of 41,000 cubic yards of fill for a relocated equestrian facility was in the location shown on the

approved project plans. Pepperdine claims in the letter that the subject locations south of Huntsinger had been intended at that time for other campus development.

Staff cannot speculate as to why Pepperdine requested the placement of fill south of Huntsinger at the time of the horse facility relocation, and requested that horse facilities be relocated to the area where the subject fill was graded in. That is what the Pepperdine application for 5-81-395A, which was a request to amend permit P-80-7325 (the permit to dismantle the equestrian facility), clearly states, and what the resultant approved permit authorizes. A longer term plan to build a permanent equestrian facilty on the future upper campus (which was eventually constructed in about 2002) existed at that time, but was a long way from realization.

In any case, there is no evidence that P-81-7818 or 5-81-395A – the key permits Pepperdine cites as authorizing equestrian facility development in upper Marie Canyon – did so. The evidence is clear that all equestrian facility development authorized for any location other than the site of original "facility 14" was included in that pair of 1981 approvals, and that neither permit authorized equestrian facility development – of any kind – in upper Marie Canyon. If Pepperdine was using upper Marie Canyon for a riding arena in the 1980s, and Pepperdine asserts that by 1983, at least, a riding arena was in use at that site, then the arena and the lights Pepperdine claims to have installed to serve the arena in 1984 – were undertaken without the benefit of a coastal development permit, which was required for such development at that time, in that location.

Notably, in its letter dated October 4, 2013, Pepperdine makes an argument that an approved plan in the Commission's permit file for 5-81-395A must have approved an additional 20,000 cubic yards of grading in upper Marie Canyon because the plans don't disallow that grading. However, that silence in one permit file and absence of development on that file's approved plans, cannot be construed to confer approval – without plans or other mention in a permit file- of development in some other location (such as grading an unstable canyon slope for a 26-horse riding arena that drained into a riparian stream outletting to the Pacific Ocean less than two miles directly downgradient).

Pepperdine has been requested to provide evidence that some other coastal permit authorized by the Commission the development of upper Marie Canyon, including: a) grading of a pad, b) installation of a horseback riding arena on a portion of the pad, and/or c) the installation of outdoor metal halide lights on 28-foot poles, with a diesel-powered generator, to serve the arena. Pepperdine has not provided evidence of any other such coastal development permit.

Pepperdine has indicated that they continue to disagree with Commission staff's determination that CDP 5-81-395A approved an equestrian riding arena south of Huntsinger Circle Drive (instead of the as-built location north of Huntsinger Circle Drive) despite the fact that the approved project plans show the riding arena in that location. All of the permit files identified by Pepperdine, including in their October 4, 2013 letter, reference permit files researched by staff that show the location of approved equestrian development south of Huntsinger Circle Drive, and only south of Huntsinger Circle Drive.

Moreover,Pepperdine's own aerial photographs indicate that the pad in upper Marie Canyon was graded sometime after 1977, and was clearly was in place by 1983. The only permit records that Pepperdine has produced concerning the grading of the pad on the east-facing slope of western upper Marie Canyon, however, despite multiple requests of Commission staff, is an after-the-fact grading plan signed by Los Angeles County (three different plan stamps/dates are on the same set of plans, ranging from 1985 to 1987). The after-the-fact approval of the pad is further evidence that appropriate permit authorizations were not secured by Pepperdine, as even in the 1970s and 1980s, Commission staff required evidence of local government approval-in-concept, at a minimum, to file permit applications. This procedure was followed in the permit files staff researched for this analysis.

However, as explained above, even though Pepperdine has produced an after-the-fact grading plan approved by Los Angeles County for the pad in upper Marie Canyon, there is no record that Pepperdine sought a similar, after-the-fact coastal development permit approval from the Commission, despite repeated requests of staff that Pepperdine submit evidence of such approval if it existed and had been

overlooked during the filing review pertinent to LRDP amendment request 1-11. Pepperdine has not produced any evidence of an authorized permit approval for equestrian development in upper Marie Canyon.

In reaching these conclusions, Commission staff has undertaken a thorough analysis of the Commission's original, archival permit records. Pertinent information is detailed below, to explain the results of the staff research. Where file maps are too large to provide here, the full sized copies will be transported to the October 2013 Commission hearing on agenda item W11a and will be available for inspection.

The conclusion is clear: the approved permits of record authorize, and only authorize, relocation of "facility 14" – the original main campus equestrian facilities (barn and arenas) to the area south of Huntsinger Circle. Moreover, none of the permits show, illustrate, acknowledge, reference, mention or otherwise authorize the installation of equestrian facilities north of Huntsinger Circle (upper Marie Canyon), whether for temporary or permanent purposes. Thus, if the underlying horse facilities (such as an arena) in upper Marie Canyon were not authorized, artificial lights (arena lights) installed to serve such facilities were not authorized.

Staff research focused on the equestrian facilities and whether Commission authorization of such facilities in upper Marie Canyon had been properly secured through necessary coastal permits as Pepperdine claimed in LRDP amendment request 1-11.

When and how the pad north of Huntsinger Circle was graded was a secondary concern, but staff was unable to locate separate evidence that the graded pad was authorized pursuant to a coastal development permit. Aerial photographs – including photographs recently submitted by Pepperdine, show that the pad was graded on the eastward-facing slope of the western side of upper Marie Canyon after 1977. No permit has been located that authorizes such grading.

Pepperdine points to a page in the staff report for revised findings for Commission certification of the LRDP in 1990 (Exhibit 13 of that report). The full revised findings staff report and addendum to the report are attached as a substantive file document for on-line reference in the addendum to the staff report for item W11a. The "Exhibit 13" referenced by Pepperdine shows the upper Marie Canyon pad incidentally within the page, but the pad is not part of the information the exhibit is conveying (the exhibit was annotated by South Central Coast Commission staff reviewing Pepperdine's assertion on October 3, 2013). The page does not address upper Marie Canyon on the eastward-facing side of the ridge that divides Marie Canyon from the site of the future upper (graduate) campus that is the focus of the page. Marie Canyon, west of the retention basin, and including the site of the pad, was included as "open space" in the original certified LRDP.

Exhibit 19 shows the map of the LRDP at the time of certification, does not show an identified equestrian use of any kind in the location of the subject pad (shown in LRDP certification revised findings staff report as Exhibit 13) north of Huntsinger Circle, in any case. Pepperdine could have included an "Existing Facility 357" symbol on that map and sought certification at that time, but did not (former "Facility 14" was replaced by "Facility 357" to indicate equestrian facilities by the time of Commission certification of the original LRDP).

No evidence of Commission approval for the underlying grading of the pad (which is clearly shown in the 1984 aerial photo contained as an attachment to the memorandum of Commission staff ecologist Jonna Engel, Ph.D., included as Exhibit 12 of the staff report dated September 27, 2013) has been located by staff or provided by Pepperdine.

Staff research was focused on verifying Pepperdine's claim that the existing sports lights in upper Marie Canyon has been originally installedas part of a former equestrian arena in that location (from 1984 to 1999) and should; therefore, serve as a "baseline" of existing artificial lighting – and light pollution – justifying Pepperdine's proposal to install new, permanent stadium-type sports lighting in the upper Marie Canyon. However, unpermitted development, such as the existing lighting in Marie Canyon, does not constitute a "baseline". Staff concludes on the

basis of the research explained above and detailed below that the (former) arena and lights installed to serve the arena, in upper Marie Canyon are unpermitted development.

Pepperdine equestrian facility permit history: details of research

1972: Seaver College Campus Opens, Fall 1972

1975: P-4-24-75-5129 First Commission record of equestrian facility permits (an early equestrian facility location was identified by Pepperdine as "Facility 14" prior to certification of the LRDP.)

CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION

SOUTH COAST REGIONAL COMMISSION
666 E. OCEAN BOULEVARD, SUITE 3107
P.O. BOX 1450
LONG BEACH, CALIFORNIA 90801
(213) 436-4201 (714) 846-0648

May 27, 1975

To: Commissioners

From: Executive Director

Subject: Staff Summary and Recommendations

Application No.: P-4-24-75-5129

Attachments:
1. E.I.R. Prepared by Applicant
2. Conditional Use Permit #538-(4)
3. Location Map
4. Zoning Map
5. News article, 5/23/75

4.a. Project Description:

PROJECT: Construction of 12 tennis courts, equestrian rings and riding trails, jumping courts, viewing benches and stands, white rail fences, landscaping, parking and 3 small future instructional buildings.

P-4-24-75-5129 Project Description: Equestrian components specifically mentioned:

Project Description:

(For full detailed description see EIR, pg. 2)

a) 12 tennis courts on 3 elevated terraces (lighting will be provided for ½ of the courts) each group of courts will be completely fenced.

b) A parking lot of 226 spaces which will serve the entire campus athletic complex, much of which lies outside the coastal permit zone.

c) 2 graded arenas and one jump course for equestrian practices.

d) Terraced scenic viewing benches on the slope south of the existing chapel, to be constructed of concrete or wood.

e) 2 portable bleachers on the perimeter of the equestrian facilities.

f) A series of equestrian trails.

g) Landscaping, trees and park areas.

h) Final grading which will amount to approximately 100,000 cubic yards.

Not a Part of This Application:

The applicant also proposes that in the future they will require:

a) 2 tennis directors buildings of approximately 1200 sq. ft. each.

b) A one story classroom for the study of equestrian courses of approximately 2000 sq. ft.

Purpose:

This project will provide additional recreational elements of the university's master plan. The students of the university will have more tennis and riding facilities. It is intended to make course

-4-

instruction in tennis and horsemanship of more importance in the curriculum. Intercollegiate competition in tennis has spurred interest in this sport.

The applicant has stated that the public may use the lower tennis courts from 6:00 a.m. to 10:00 a.m. on Saturdays and Sundays, for a fee, and subject to university rules.

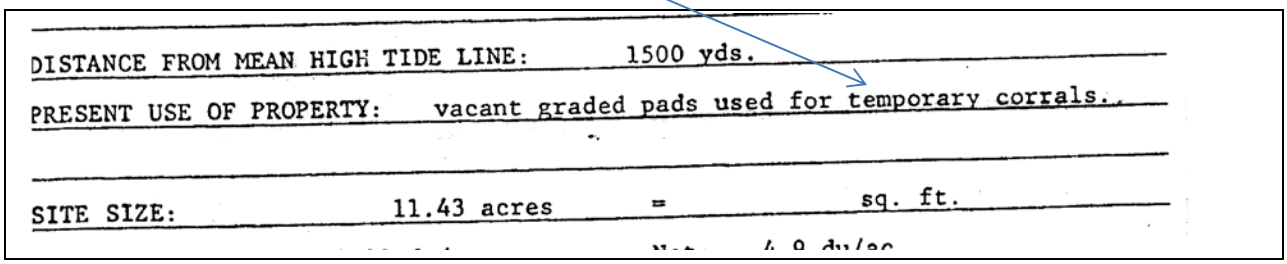
P-4-24-75-5129 Application notes that the existing horse stable is located north of the project (where "facility 14" was located). The referenced "Pad T" was not located in upper Marie Canyon, as determined by reviewing other Commission files. **P-79-5488 (1979) application** (next permit, below) provides additional information about the temporary horse corrals in use at that time and shows the location of the corrals on a map in the file, copied and annotated below. As well, the "Facility 14" barn shown on the campus maps (that preceded the LRDP map) included 24 to 26 individual, 12-ft. x 12-ft. stalls (the campus horse program had 26 horses at its peak).

Horse Access:

Horses are stabled in 24 stables on Pad T - north of this proposed project and outside the permit area. There are interior trails through the campus from the stables to the proposed equestrian facilities.

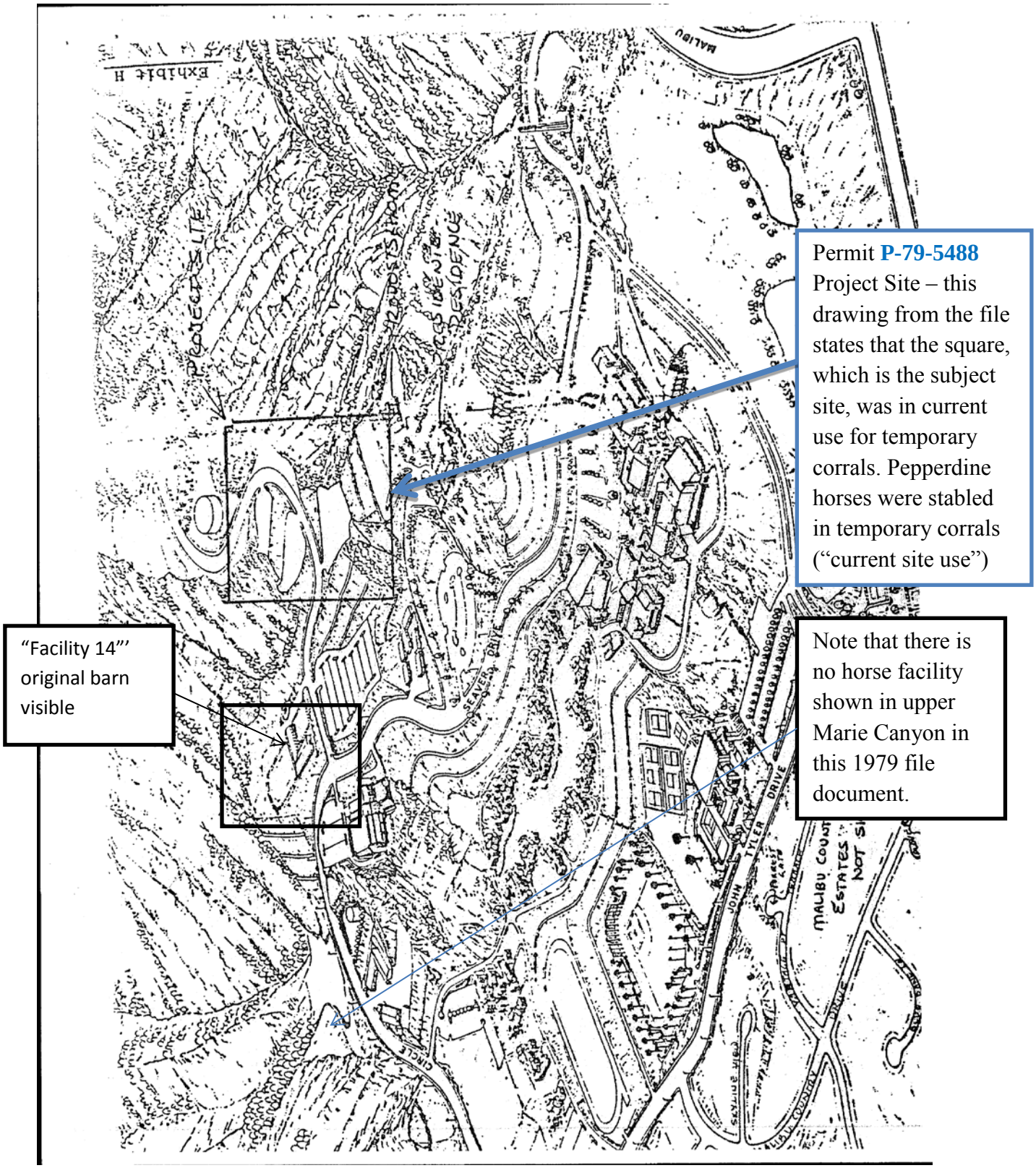
Note: P-4-24-75-5129 includes specific authorization for tennis court lighting, including restricting lighting of some courts; thus, explicit provisions for or limitations on outdoor sports facility lighting were, in fact, of regulatory concern even in this early era.

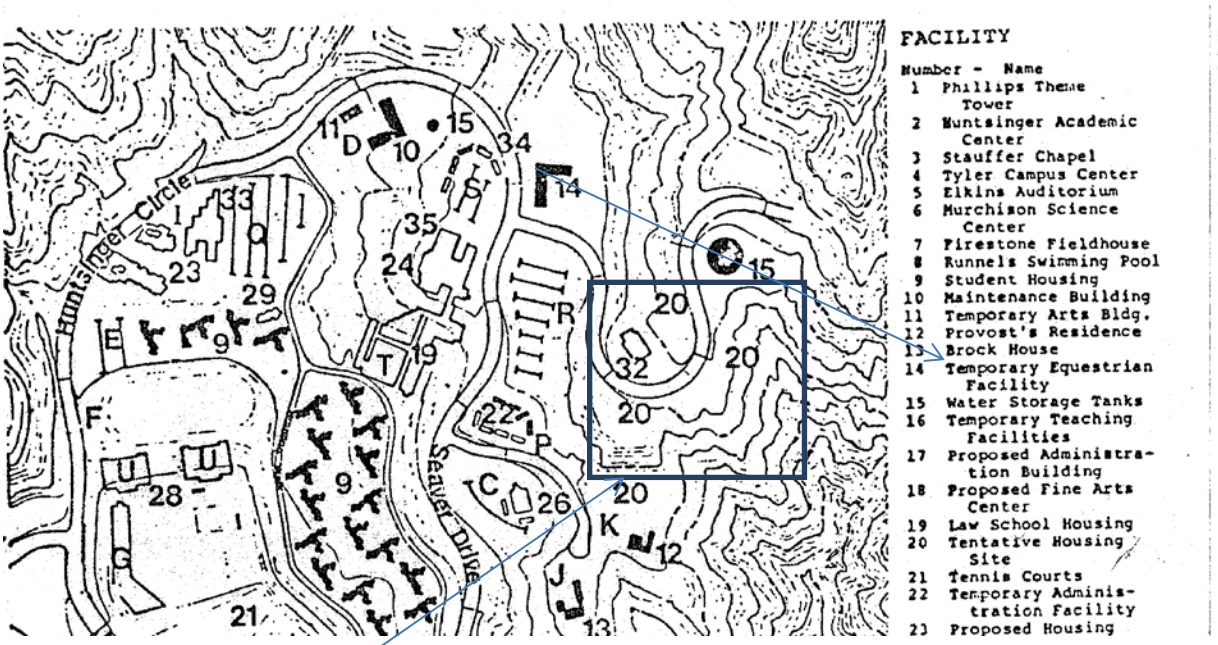
1979: P-79-5488 – application for development of a site (box, inset below) for housing; existing site conditions of the site are described as "vacant graded pads used for temporary corrals (see map from the P-79-5488 file, below, showing the subject location of the proposed development and thus the referenced corrals).


DISTANCE FROM MEAN HIGH TIDE LINE: 1500 yds.

PRESENT USE OF PROPERTY: vacant graded pads used for temporary corrals.

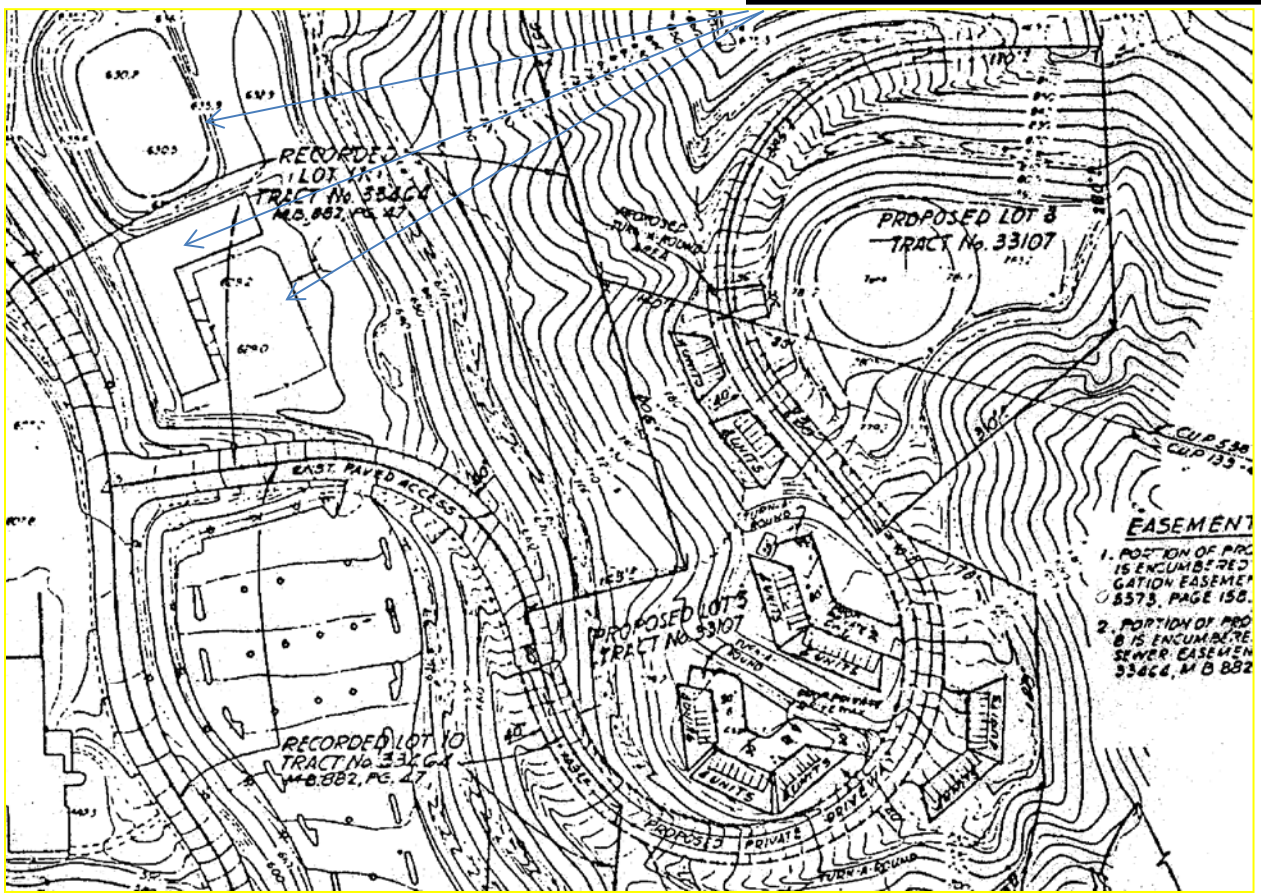
SITE SIZE: 11.43 acres = sq. ft.


Permit P-79-5488
Project Site – this drawing from the file states that the square, which is the subject site, was in current use for temporary corrals. Pepperdine horses were stabled in temporary corrals ("current site use")
"Facility 14"' original barn visible
Note that there is no horse facility shown in upper Marie Canyon in this 1979 file document.



Area of P-79-5488

Facility 14 = original equestrian facility



P-80-7325 (included dismantling of the original equestrian facility) but did not state where (or if) the facility would be relocated.

pplication Number: P-80-7325

ame of Applicant: Pepperdine University

24255 Pacific Coast Highway, Malibu, CA 90265

evelopment Location: 24255 Pacific Coast Highway

Malibu, CA

evelopment Description: Dismantling of an equestrian center and construction of 116 units of law school and undergraduate student housing, parking spaces for 484 cars, staircases to the University Annex, an electrical distribution building and a temporary classroom facility. Application includes a request for approval of allocation of the needed portion of unused sewage treatment capacity to the proposed facilities. Project is included in the University Land Plan.

Whereas, at a public hearing, held on November 10, 1980

at Huntington Beach by a vote of unanimous ~~&~~ ,

the Commission hereby grants, subject to condition/s, a permit for the proposed development, on the grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

5-81-395A (an amendment of permit P-80-7325):

Pepperdine requested approval to place 41,000 cubic yards of fill **where a new equestrian facility, facility management facility, etc. will be constructed.**

Attention: Lynn Heacox

Dear Ms. Lucast:

Submitted herewith is a request for an amendment to Permit No. P-80-7325 issued to Pepperdine University for dismantling of an equestrian center and the construction of a 116-unit student housing project, etc. As part of the project, there will be about 41,000 cubic yards of unused fill material. This amendment request is for approval to place that fill material in an immediately adjacent area of the Pepperdine Campus where a new equestrian facility, facility management facility, etc., will be constructed in the future.

Full-sized drawings in the original Commission file for 5-81-395A show the exact location Pepperdine proposed for the placement of the subject fill and thus the location of the future equestrian facilities; however the document is too large for an exhibit and will be hand carried to the Commission hearing and available for inspection.

Approval to deposit fill resulting from construction of the 116 unit law school and undergraduate student housing and adjacent areas and to grade for a new equestrian ring, a pad for a residence and a pad for a Facilities Management structure. Total fill to be about 41,000 cubic yards. See attached drawings and discussion for additional details.

NOTICE OF PROPOSED PERMIT AMENDMENT

TO: All Interested Parties

FROM: Michael L. Fischer, Executive Director

DATE: October 19, 1981

SUBJECT: Permit No. 5-81-395A granted to Pepperdine University

for approval to deposit ± 41,000 cu. yds. fill and resultant grading in area designated for new equestrian center,

at 24255 Pacific Coast Highway, Malibu, CA 90265

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would change:

Relocate existing equestrian center to be dismantled for 116-unit housing as approved on P-80-7325.

The permit for 5-81-595A is unambiguous on this point: the 41,000 cubic yards of fill are to be placed in the area designated for the new equestrian center. Follow the fill.

[Note: LA County approval in concept was in the file for 5-81-395A and contained no reference to the upper Marie Canyon area (north of Huntsinger Circle). Pepperdine provided an after-the-fact LA County approval for the upper Marie Canyon pad (grading) signed with approvals ranging from 1985-1987.]

donald b. bright & associates
780 North Euclid Street • Suite 212
Anaheim, California 92801
(714) 956-4670 • (213) 691-2571

October 1, 1981

Ms. Nancy Lucast
District Director
South Coast District Office
California Coastal Commission
666 E. Ocean Blvd., Suite 3107
Long Beach, CA 90801

Attention: Lynn Heacox

Dear Ms. Lucast:

Submitted herewith is a request for an amendment to Permit No. P-80-7325 issued to Pepperdine University for dismantling of an equestria center and the construction of a 116-unit student housing project, etc. As part of the project, there will be about 41,000 cubic yards of unused fill material. This amendment request is for approval to place that fill material in an immediately adjacent area of the Pepperdir Campus where a new equestrian facility, facility management facility, etc., will be constructed in the future.

It would be appreciated if you could expedite consideration of this amendment request so that the fill material can be deposited per the construction schedule for the law school and undergraduate student housing.

Sincerely,

Donald B. Bright

DBB:vc
enclosures

cc: L. D. Hornbaker - Pepperdine University

Note that project description states that the 41,000 cu. yds. of **fill will be placed... where a new equestrian facility…. will be constructed in the future.**

LRDP: Effectively Certified 1990; equestrian facilities in upper Marie Canyon, north of Huntsinger Circle, are not shown. Future facility 357 ("357" defined as "equestrian facility" by Pepperdine) shown in future development of the upper campus (graduate school) site (staff report Exhibit 19). Only the Retention Basin ("RB") is shown on the LRDP original certification map (Ex. 19). Except for the retention basin, the upper Marie Canyon area, including the east-facing slopes on the western side of the canyon (where the arena/arena lights in question eventually were installed) was reserved as "open space."

No equestrian facilities in upper Marie Canyon, north of Huntsinger Circle, were acknowledged by Pepperdine in the original LRDP certification (the original LRDP was effectively certified in 1990).

Addendum

Attachment A

(Public Correspondence)

Item W11a, October 9, 2013
Pepperdine University LRDPA 1-11B

United States Department of the Interior

NATIONAL PARK SERVICE
Santa Monica Mountains National Recreation Area
401 West Hillcrest Drive
Thousand Oaks, California 91360-4207

In reply refer to:
L76/NPS Tract No. 134-82

September 30, 2013

California Coastal Commission
Attn: Melanie Faust, Coastal Program Analys
North Coast District Office
1385 Eight Street, Suite 130
Arcata, CA 95521

Re: 10/09/2013 Agenda Item 11a. Pepperdine University LRDP Amendment No. 1-11, Part B

Dear Commissioners:

The National Park Service (NPS) has reviewed the staff report for Pepperdine University's proposed amendment to the Long-Range Development Plan (LRDP) for night lighting and use of the Marie Canyon sports field. The project site is within the boundary of the Santa Monica Mountains National Recreation Area.

The National Park Service provides comments on the effects of private and public land development in the Santa Monica Mountains at the invitation of state and local units of government with authority to prevent or minimize adverse uses. We offer the following comments.

NPS concurs with the staff report's findings of potential impacts to wildlife and dark skies from the proposed lighting for the sports field. The sports field location is immediately adjacent to native habitat in the rugged Marie Canyon area. We find the project would increase light pollution within the national recreation area, both directly in the canyon in which the university is situated, as well as increasing overall nighttime ambient lighting and creating a glow above the ridgelines as viewed from park land in adjacent canyons, including Corral, Solstice, and Malibu Canyons, and at nearby Malibu Bluffs Park. We find any stadium-type lighting within the national recreation area is not consistent with our wildlife management and visitor experience goals and objectives and recommend against such lighting. At minimum, conditions placing constraints on the hours of operation and strength of the lighting should be included in any approval of the proposed LRDP amendment.

Thank you for the opportunity to comment. If you have questions, please call Melanie Beck, Outdoor Recreation Planner, at (805) 370-2346.

Sincerely,

David M. Szymanski

David Szymanski
Superintendent

October 2, 2013

RE: Pepperdine University Long Range Development Plan Amendment #1-11-B – Support Staff Recommendation for Denial

Dear Chair Shallenberger and Coastal Commissioners

On behalf of the California Coastal Protection Network, I write to you today in support of the staff recommendation that the Commission deny the proposed Pepperdine University Long Range Development Plan Amendment (LRDPA) #1-11-B. Pepperdine's proposal would allow the placement of high intensity sport field lighting in an area virtually surrounded by ESHA. This lighting would have significant impacts upon the animal species that use this habitat contrary to the requirements of Coastal Act section 30240 (b). In addition, as fully addressed in the staff report, the proposed lighting would have significant impacts upon the public's use of the area, and also to the visual resource policies of the Act. For these reasons the proposal should be denied. This letter focuses on the significant impacts to the critical habitat that is protected by section 30240.

The lighting is proposed in a portion of the campus that extends into, and is surrounded on three sides by a portion of the Santa Monica Mountains National Recreation Area (SMMNRA) that constitutes environmentally sensitive habitat (ESHA). Although the portion of the campus on which the lighting is proposed is disturbed and does not support habitat, the surrounding area in the SMMNRA that is immediately adjacent to this campus area *does* support pristine native coastal sage scrub and chaparral habitat, as is made clear in the report of August 23, 2013 submitted by Dr. Jonna Engel, the Commission's staff ecologist, that is attached to the staff report. Because of the proximity of the proposed lighting to this pristine habitat, this development must meet the standard of section 30240 (b), which provides that:

> *"Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreations areas."*

It does not meet that standard.

Dr. Engel's report states that "animals within and around the site, especially at night, experience the area generally as an uninhabited and natural area suitable for conducting animal business as usual". It then discusses at length the effects that artificial lighting will have upon the various species that react to light in different ways as part of their natural routine. This evidence clearly shows that the high

intensity stadium lights proposed by Pepperdine will have significant adverse impacts upon the wildlife in the ESHA that surrounds this portion of the Pepperdine campus. These lights would degrade the quality of the ESHA and would not be compatible with the continuance of natural habitat patterns of the animal species in this ESHA. Further, the introduction of sports lighting into the dark canyon would encourage increased human activity into this area at a time when most of the animals in this ESHA are engaging in most of their activity, greatly increasing the impacts upon the inhabitants of the ESHA. These lights constitute new development adjacent to the ESHA that would not and cannot be sited to prevent impacts that would significantly degrade that sensitive area and would not be compatible with the continuance of habitat in that area. Because of these impacts this proposed high intensity sports field lighting is contrary to the standard of section 30240 (b) and cannot be approved under the Coastal Act.

The views of Dr. Engel are further supported by those of Dr. James R. Benya, an expert on lighting design consulted by Dr. Engel, as detailed in Dr. Engel's September 25, 2013 supplemental memo. As Dr. Benya makes clear, Pepperdine did not even apply the appropriate professional standard in its own evaluation of the impacts of the sports field lighting. Nor is Pepperdine's proposal consistent with previous Commission actions regarding lighting at recreational and sports facilities.

The Commission has on several occasions approved night lighting for sports facilities (See Attachment A). For example, the Commission approved night lighting of the athletic field at Malibu High School. However, this location was in a more urbanized location, and the night lighting provided there is the only lighted facility at the institution. Even in this more urbanized setting at the high school, the Commission limited the impact of the lighting by imposing design as well as time and seasonal restrictions. By contrast, Pepperdine already has two large lighted athletic facilities in a more developed part of the campus. Even with these restrictions, the night lighting at Malibu High School remains highly controversial and is opposed by members within the surrounding community.

More recently, the Commission approved night lighting of sports fields at Beach Chalet in Golden Gate Park. CCPN did not agree with the Commission's conclusion that night lighting was appropriate in this 'naturalistic' location, but the Commission found that the lighting was to occur within a heavily used public sports facility in an urban park. The proposal in this LRDPA currently before the Commission is quite different, because it would intrude into ESHA, with significant impacts as previously noted.

Thus, neither Malibu High School nor Beach Chalet provides a precedent for approval of this proposal.

In other areas, such as Malibu Bluffs Park overlooking the ocean in Malibu and at Sunset Ridge Park in Newport Beach, the Commission approved the development of parks including sports fields that were conditioned to prohibit night lighting. Both parks close at dusk. The Sunset Ridge proposal also involved ESHA issues,

but did not present impacts to ESHA as significant as have been identified in the Pepperdine proposal.

For all of these reasons, to the extent that the Commission chooses to examine its prior decisions as potential precedent for its present action, actions that allowed night lighting of recreational areas were limited to more urban settings and did not involve the significant impacts upon ESHA and animal species that would occur here.

Pepperdine should recognize its stewardship obligations to its neighbor, the National Recreation Area, and to the environmentally sensitive habitat that adjoins its campus; but in the absence of that recognition the Commission should reject this proposal. We request that the Commission support its staff's recommendation to uphold section 30240 (b) and deny the proposal for high intensity sports lighting in this highly sensitive area.

Sincerely,

Susan Jordan, Director

California Coastal Protection Network
2920 Ventura Drive
Santa Barbara, CA 93105
sjordan@coastaladvocates.com

Attachment A

Analysis of Conditions applied by the Coastal Commission to other Night Lighting Projects

1. Malibu High School (2011-12):

In 2000, before Malibu had an LCP, the school district sought a permit from the Coastal Commission to do several upgrades to its developed campus including upgrades to its track and field. The permit was approved but contained a prohibition on all field lighting, whether temporary or permanent, in order to protect the nearby scenic areas and native wildlife from avoidable disturbance. The Commission found that night lighting in the Malibu/Santa Monica Mountain areas created a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition the Commission found that night lighting had the potential to alter or disrupt feeding, nesting and roosting activities of native wildlife species.

The Malibu LCP was certified in 2002 and continued the prohibition on night lighting in sports fields.

In 2009, the District sought an amendment to the permit that would have allowed 8 practices and 8 games, five 53-foot light standards, and other conditions. The amendment was denied by the Commission who found that even temporary, limited use of the proposed field lights would adversely impact visual resources and not be compatible with the rural and scenic character of the area. It also noted that it was not a permitted use in the institutional zone district in the LCP.

In 2010, the City requested an amendment to the LCP to allow some night lighting for sports fields. The Commission approved that LCP amendment in 2011 with suggested modifications allowing night lighting of sports fields with restrictions. In 2012, the City accepted those modifications and adopted an ordinance that includes the restrictions on night lighting for sports fields.

The restrictions adopted address the number of days and times the lights can be on and includes monitoring and reporting on adverse impacts to birds during the Spring and Fall

migrations. It called for pole heights that limited adverse impacts to the maximum extent feasible, but did not require a specific height standard.

On June 26, the Malibu City Council granted a coastal development permit and a temporary use permit for the construction of 70-foot lights, restricted their use to a maximum of 61 nights, and required the school district to take down the 12-foot cross bars on the lights from June 1 through August 31.

> Lighting of the main sports field at Malibu High School may only be permitted if it complies with the following standards:
>
> a. Lighting shall be minimized, directed downward, and shielded using the best available visor technology and pole height and design that minimizes light spill, sky glow, and glare impacts to public views and wildlife to the maximum extent feasible.
>
> b. Lighting may only occur for a maximum of three (3) days in any calendar week and must be limited to the following time restrictions:
>
> i. During Pacific Standard Time (defined as of 2011 to be the first Sunday in November to the second Sunday in March), the lights may be illuminated no later than 7:30 p.m. except as indicated below.
> ii. From each September 1 through May 31 period, inclusive, the lights may only be illuminated after 7:30 p.m. up to 18 times, and then (a) only until 10:30 p.m., (b) never on consecutive nights, and (c) on no more than two nights in any given calendar week.
> iii. The lights may not be illuminated at any time between June 1 and August 31, inclusive, of any year.
>
> c. For lighting that is to be allowed during bird migration periods (Fall Migration: September through first week in November, and Spring Migration: Last week of March through May), an Avian Monitoring Plan, that is prepared by a qualified ornithologist/ecologist and reviewed and approved by the City Biologist, shall be required prior to issuance of the coastal development permit, and the permit shall be consistent with and require compliance with that plan. The plan shall, at a minimum, include the following elements:
>
> i. Monitoring shall be conducted by a qualified ornithologist/ecologist to assess potential adverse impacts to migratory and resident bird species.
> ii. The monitoring design and schedule shall include a paired monitoring design (i.e. a night with lights immediately preceded or followed by a night without lights), and a monitoring frequency of once per week during any week when lights are operated during Fall and Spring migration periods for at least one year. If the monitoring results indicate that the one-year monitoring period was a typical bird migration year with a typical range of atmospheric conditions and the main sports field lights have resulted in no adverse impacts upon

birds, no additional monitoring may be required. If the monitoring results indicate otherwise, monitoring shall continue for an additional year(s) until a year of monitoring under typical conditions occurs and the consulting ornithologist obtains enough data to assess potential adverse impacts to migratory and resident bird species.

iii. The description of observational monitoring activities shall include tallying species and numbers of birds observed within a 200 ft. sphere of the light standards and noting atmospheric conditions, bird behavior, and changes in bird behavior.

iv. The monitoring plan shall specify a threshold for determining significant adverse impacts to migratory and resident bird species from field lights.

v. Seasonal migration reports (Fall and Spring) of monitoring results shall be submitted to the City Biologist. However, the consulting ornithologist shall immediately notify the City should an adverse bird event related to the approved field lights occur at any time during the course of monitoring. The monitoring plan shall also include a provision for submission of a final monitoring report to the City Biologist at the end of the monitoring period.

The approved Avian Monitoring Plan shall be implemented concurrent with the approved field lighting operations. If the Monitoring results indicate that the approved field lighting results in significant adverse impacts upon birds, the City shall require modification of the approved lighting schedule in order to ensure avoidance of the identified impacts.

Note: The LCP specifically exempts light standards from the 28-foot maximum height for structures:

ii. Maximum Height. Structures other than roof antennas and light standards shall not exceed a maximum height of 18 feet above natural or finished grade. The maximum height may be increased up to 28 feet if approved through site plan review, pursuant to Section 13.27 of the Malibu LIP.

2. Athletic Fields at Malibu's Bluffs Park

Malibu Bluffs Park is a six-acre community park located at the intersection of Pacific Coast Highway and Malibu Canyon Road, overlooking the Pacific Ocean. The park consists of 2 baseball diamonds, a soccer/multi-purpose field, playground, jogging path, picnic tables, whale watching station and the Michael Landon Community Center. It operates from 8AM until dusk which in the summer is somewhere between 7:30 am to 8:30 pm.

Based on the restrictions on lighting in the Malibu LCP, there is no night lighting at this park and only two low wattage lights on the community center and in the parking lot – neither of which allow any spillover. As a result of the amendments to the LCP, lighting of sports fields at public high schools in the Institutional zone is a permitted use (Malibu High School is the only such school), while Bluffs Park is zoned Public Open Space and subject to the night lighting restrictions.

3. Sunset Ridge Park in Orange County (2012)

Sunset Ridge was a project proposed by the City of Newport Beach. It was approved with conditions, which included the allowance of artificial or natural turf, no night lighting, drainage and polluted runoff controls, wildlife monitoring and avoidance of sensitive species.

The project is the creation of a 13.7-acre active recreational park. It includes a baseball diamond that overlaps in area with two soccer fields, pedestrian paths, a children's playground, and a restroom (1300 sq. ft.)

The primary issues involved here dealt with Environmentally Sensitive Habitat (ESHA) and what had been described as a long history of illegal mowing as well as public access as the project intended to use a parking lot that is used to access the beach and was required as mitigation for an earlier project.

Of note, the project did not include night lighting (none was requested), night use of the fields was not allowed, and low intensity lighting for the pathways was required to reduce impacts to habitat. The final conditions are being prepared, but several are provided below for your review.

The City's proposed hours of operation for the Sunset Ridge Park were from dawn to dusk. No night lighting of sports fields was proposed, and lighting was limited to low-density along the walkways.

Special Conditions of Approval include:

a. Lighting A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and approval of the Executive Director, revised plans to protect landscaped and habitat areas from light generated by the project. The lighting plan to be submitted to the Executive Director shall be accompanied by an analysis of the lighting plan prepared by a qualified biologist which documents that the lighting plan is effective at preventing lighting impacts upon adjacent environmentally sensitive habitat. The proposed lighting plan shall include, but not be limited to, the following elements: lighting on the site shall be limited to the minimum amount necessary to light accessways and for security and be designed to avoid impacts to native habitat areas on the site; lighting will be limited to 3.5 foot bollards within areas of walkways with cut-off louvers and will be positioned, directed or shielded so as to minimize artificial lighting from reflecting into native habitat; no skyward-casting lighting or portable light generators shall be used on the site; the lowest intensity lighting shall be used that is appropriate to the intended use of the lighting.

Addendum

Attachment B

(*Ex Parte* notices)

Item W11a, October 9, 2013
Pepperdine University LRDPA 1-11B

Item W11a

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:
Pepperdine University LRDP Amendment No. 1-11, Part B (Night Lighting and Use of Marie Canyon Sports Field). Public hearing and action on Pepperdine University's request to amend its certified Long Range Development Plan to implement the University's proposal to install Qualite-brand, high performance stadium lights and finalize the management of the new recreation area and orientation of the approved recreation field and the location of restrooms, within Marie Canyon, north of Huntsinger Circle Dr., and north of the main developed campus, Malibu, Los Angeles County.

Date and time of receipt of communication:
September 25, 2013 at 11:45 am

Location of communication:
Ventura

Type of communication:
In person meeting

Person(s) in attendance at time of communication:
Rhiannon Bailard, Phil Phillips, Rick Zbur, Susan McCabe

Person(s) receiving communication:
Brian Brennan

Detailed substantive description of the content of communication:
(Attach a copy of the complete text of any written material received.)

I received a briefing from Pepperdine University representatives in which we went through a briefing booklet previously provided to staff. The representatives provided an update on their proposed amendment to the LRDP, which includes several clean-up items from the Campus Life Project. The amendment involves replacement of existing unshielded "flood lights" with state-of-the-art, shielded fixtures, confirmation of the east-west field configuration as requested by Coastal Staff, and confirmation of a specific location for the approved small restroom/storage facility. As described in the briefing, the applicant strongly disagrees with staff's recommendation to not allow replacement of the proposed lighting system. In particular, the applicant disagrees with staff's assertion that the lights are unpermitted and believes that staff's conclusions that the proposed lights would have adverse impacts on ESHA and migratory birds are arbitrary and not based on sound science. Pepperdine explained that it used a highly conservative threshold to measure potential impacts; the lights would comply with the 0.1 fc threshold previously used by the Commission in areas with sensitive resources and consistent with IESNA guidelines for National Parks. Pepperdine also noted that the new lights would generally not be visible from the trails absent a few limited locations. The EIR and Pepperdine's supplemental, site-specific biological analysis conclude that the lights will not adversely impact any sensitive resources. Pepperdine informed me that failure to approve the replacement lights would result in Pepperdine having no lighted outdoor recreational field and force it to continue using its existing, flood-lit field. Pepperdine representatives request that the Commission approve the LRDP amendment that would permit the replacement lighting at the Enhanced Recreation Area.

Date: 9/27/13

Signature of Commissioner: 

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc. Pepperdine LRDP

Date and time of receipt of communication: October 7, 2013 10:00 a.m. -10:20 a.m.
Location of communication:Santa Barbara_____

Type of communication (letter, facsimile, etc.): _telecon_____

Person(s) initiating communication: Susan McCabe, Rick Zbur , and from Pepperdine : Rhiannon Bailard, Phil Phillips, Gary Hanson.

Zbur referenced p. 3, a year ago we approved a major amendment to the LRDP. They were not proposing to increase enrollment, but new housing, upgrading facilities. A couple of 'trailing' items because the biologist was unable to do the review at the time. Included the replacement of floodlights on the athletic field and specific location with accessory building.

The big issue is that staff recommendation would prevent replacement of lights on athletic field when the athletic field is upgraded. The .1 significance threshold was used in other cases, including Malibu High and Golden Gate. Now staff has said the threshold has to be 1/10th of previous.

Staff claims that the new level is the most protective. They went back to the past president of the association that created the standard, and confirmed it was intended to be used in remote locations where there are no lights visible at all. They claim this is a major university, next to a developed area; it is not a remote wilderness.

Their Exh E: difference between yellow line and orange line. Even with their significance threshold, it is not that much bigger. The ambient level are already about 3x what they are suggesting the significance threshold should be. They argue that it is not a significant impact anyway.

Zbur confirmed that legally we are allowed to use our judgment as to what the appropriate threshold should be. But they think the most stringent one is inappropriate on its face. The staff is asking us to ignore that there is an existing field with existing lighting.

Failing to approve this puts Pepperdine in the position of having to eliminate all of its night time activities, or leave the existing field. They claim the use was legal. There are three CDPs issued in 1980s for relocation of equestrian center. Staff claims they didnt understand where it was. Evidence of the fact that they did know about it is Exh A, a 1989 document they provided, where staff acknowledges that this was approved in the area north of the existing development.

Jana Zimmer

DISCLOSURE OF EX PARTE COMMUNICATIONS

Date and time of receipt of communication:
October 2, 2013 at 9:00 am

Location of communication:
Phone

Type of communication:
Teleconference

Person(s) in attendance at time of communication:
Rhiannon Bailard, Phil Phillips, Gary Hanson, Rick Zbur, Susan McCabe, Anne Blemker

Person(s) receiving communication:
Carole Groom

Description of project:
Item W11a - Pepperdine University LRDP Amendment No. 1-11, Part B

Description of communication:

Opposed to staff recommendation that lighting have a .01 footcandle instead of the .1 fc threshold included in the proposal. It was Pepperdine's understanding from meeting with Dr. Engel that a .1 fc was acceptable. Pepperdine indicated it used a conservative threshold to measure potential impacts in order to comply with the .1 fc threshold previously used by the Commission in areas with sensitive resources and is consistent with IESNA guidelines for national parks. Previously, Coastal Commission granted .1fc to Malibu High School. Applicants were advised by consultants that a .01 fc is meant for wilderness and areas of no development. The EIR and Pepperdine's analysis indicate that lights will not adversely impact sensitive resources. Lights are visible from trails at limited locations (4% visibility). Applicants maintained that failure to approve lights will result in continued use of current lighting, which is less focused and more impactful. Replacement of all campus lights will reduce sky glow. Pepperdine disagrees with the Coastal Commission that existing lights cannot be used as a baseline because the recreational field was not permitted at that site. Applicant maintains that Coastal Commission maps and county permits show it to be in the current location.

Date: 10-2-13

Signature of Commissioner: Carole Groom

Addendum

Attachment C

(LRDP Original Certification Documents)

On-line at:

http://documents.coastal.ca.gov/reports/2013/10/W11a-10-2013-a2.pdf

Item W11a, October 9, 2013
Pepperdine University LRDPA 1-11B

Addendum

Attachment D

(Excerpts from "The Malibu Miracle")

On-line at:

http://documents.coastal.ca.gov/reports/2013/10/W11a-10-2013-a3.pdf

Item W11a, October 9, 2013
Pepperdine University LRDPA 1-11B

Addendum

Attachment E

(Briefing Materials Provided to Commissioners)

On-line at:
http://documents.coastal.ca.gov/reports/2013/10/W11a-10-2013-a4.pdf

Item W11a, October 9, 2013
Pepperdine University LRDPA 1-11B

Addendum

Attachment F

(Correspondence: Pepperdine University)

Item W11a, October 9, 2013
Pepperdine University LRDPA 1-11B

PEPPERDINE UNIVERSITY

GOVERNMENTAL AND REGULATORY AFFAIRS

October 4, 2013

Agenda Item
W11a

VIA EMAIL

Chair Shallenberger and Honorable Commissioners
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Re: **Pepperdine University's Campus Life Project: LRDP Amendment 1-11, Part B,** Agenda Item W11a

Dear Chair Shallenberger and Honorable Commissioners:

We are writing in response to the Staff Report regarding Pepperdine University's ("Pepperdine") application for Long Range Development Plan ("LRDP") Amendment 1-11, Part B (the "Amendment"). Pepperdine respectfully requests that the Commission reject the recommended modifications put forth in the Staff Report and approve the Amendment as submitted. The proposed modifications are not necessary to ensure the LRDP's consistency with Coastal Act policies, but they would have the impact of preventing Pepperdine from replacing its existing, inefficient flood lights with a new, highly-advanced lighting package that will improve light impacts in natural areas and help the University address a critical deficiency in flat lighted recreational field space on Campus.

1. Overview

Pepperdine strongly disagrees with the Staff's conclusions regarding the Amendment's consistency with the Coastal Act policies and its recommendation that the Commission deny the Amendment application as submitted. Pepperdine believes the September 27, 2013 Staff Report omits key information, contains inaccurate information, and makes unsupported conclusions. As explained in our detailed response to the Staff Report dated October 4, 2013, substantial evidence in the record demonstrates:

- Pepperdine used the proper 0.1 footcandle ("fc") threshold to analyze potential light trespass impacts. Staff's selection of a 0.01 fc threshold is inconsistent with Commission precedent, which is a 0.1 fc significance threshold; is inconsistent with Staff's previous repeated directions provided to Pepperdine to utilize the 0.1 fc threshold; and is inappropriate for a University campus setting where ambient

light conditions already exceed the proposed limit (without taking either the current or future recreation field lights into account).

- The installation of the state-of-the-art lighting package will significantly limit and reduce light impacts and protect the natural areas in the vicinity of the future Enhanced Recreation Area from potentially adverse light impacts. The new lighting will provide a significant improvement over existing conditions; is protective of Coastal resources; and will ensure that the LRDP, as amended, will be consistent with all applicable Coastal Act policies.

- The existing field and lights proposed for replacement were installed pursuant to three Commission-issued Coastal Development Permits ("CDP") in the early 1980s[1] and subsequently certified by the Commission as consistent with the goals, policies, rules and regulations of the Commission.

- The University analyzed a variety of alternatives to the project throughout the entirety of the campus, and concluded that the installation of the new lights at the proposed Enhanced Recreation Area is the only option that met Pepperdine's project objectives and is the environmentally superior option.

2. Requested Action

Pepperdine's replacement of its existing intramural field lights with a state-of-the-art lighting package will not result in significant adverse impacts to coastal resources and will ensure that the LRDP, as amended, remains consistent with all applicable Coastal Act policies. Pepperdine, therefore, respectfully requests that the Commission reject the Staff's recommendation in the Staff Report and **certify the Amendment as submitted by Pepperdine**. We have included a proposed Motion and Resolution to effectuate this certification on the **blue sheet** attached as **Exhibit A**.

Certifying the Amendment as submitted will have the following effect on Pepperdine's LRDP:

- The LRDP will permit the replacement of the existing inefficient intramural field lighting with new, cutoff lighting fixtures sufficient for nighttime use at the Enhanced Recreation Area (Facility 357), which are protective of the surrounding environment and dark skies standards.[2]

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1 *See* CDP P-80-7325, CDP 5-81-395A, and CDP P-81-7818.

2 LRDPA 1-11, Part A modified the LRDP Facility 357 to permit the construction of the Enhanced Recreation Area, including a 1,600 square foot restroom structure.

- The LRDP will require Pepperdine to construct the Enhanced Recreation Area (Facility 357) in an "east-west" configuration.

- The LRDP will now identify a proposed location for the 1,600 square foot restroom structure at the Enhanced Recreation Area (Facility 357).

Pepperdine notes that by certifying the LRDP Amendment, as submitted, the Revision proposed to the LRDP Policies identified in the September 27, 2013 Staff Report **will not be implemented.**[3] Furthermore, Pepperdine also notes that the Staff Report contains certain other significant factual errors, misstatements, and omissions, and includes a significant number of findings that are not supported by substantial evidence. As part of its certification of the Amendment, we also request that the Commission adopt the findings set forth on the **yellow sheet** attached as **Exhibit C** and direct Staff to revise the statements and findings in the Staff Report so they are consistent with the principles and information encompassed by the findings listed on Exhibit C.

3. Conclusions

This project is extremely important to the University. While the University's competitors tend to enjoy 10–19% of their campuses for recreational purposes, Pepperdine only has 1.3% of its Campus dedicated to flat recreation space. In addition, peer colleges have three to twenty times are much night-lit recreation space. Pepperdine's extremely limited available area significantly limits and strains recreational opportunities for students who partake in informal recreation on Campus, as well as the Pepperdine students who participate in one or more of the University's intramural sports and competitive club sports. Moreover, because the existing intramural field is Pepperdine's only lit recreation field, if Pepperdine cannot install lights on its approved Enhanced Recreation Field, it will be left without a single lighted intramural recreational field to provide for the health and well-being of its college students, or would be forced to continue using the existing substandard field with the much more impactful existing field lights.

Pepperdine has carefully designed this project to be consistent with its LRDP policies and to protect Coastal resources. Furthermore, as voluntary mitigation for its Campus Life Project athletic field lighting (including the proposed lighting under LRDPA 1-11 B), Pepperdine agreed to replace all existing campus globe lights, which would reduce the on-campus light with the greatest potential to contribute to sky glow by approximately 50% as mitigation for the lighting that is at issue in this appeal. For all these reasons, we respectfully request the Commission

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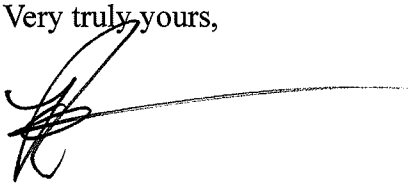
[3] The September 27, 2013 Staff Report recommends modification of the certified LRDP's "Visual Resources" and "EHSA" Policies, but such modifications are not necessary to ensure that the LRDP, as amended, is consistent with the Coastal Act polices. Therefore, we are proposing that these policies will not change. We have attached a copy of these policies for your reference as **Exhibit B.**

certify the Amendment as submitted by Pepperdine and allow the University to bring this important project to its campus community.

Very truly yours,



Rhiannon L. Bailard
Associate Vice President

Cc: Jack Ainsworth, Senior Deputy Director, California Coastal Commission
Melanie Faust, Coastal Program Analyst, California Coastal Commission

Enclosures (3)

EXHIBIT A

MOTION AND RESOLUTION TO CERTIFY AMENDMENT 1-11, PART B TO THE PEPPERDINE UNIVERSITY LONG RANGE DEVELOPMENT PLAN AS SUBMITTED:

Below is the proposed motion and accompanying resolution for the certification of the Pepperdine University Long Range Development Plan as proposed for amendment by Pepperdine University.

A. APPROVAL OF LRDP AMENDMENT AS SUBMITTED

MOTION I: I move that the Commission certify the Pepperdine University Long Range Development Plan Amendment LRDP 1-11B as submitted, adopt the findings set forth as Exhibit C to the letter dated October 3, 2013 from Pepperdine University, and adopt the findings set forth in the September 27, 2013 Staff Report but as modified as requested by Pepperdine as set forth in Pepperdine's Exhibit C.

Recommendation to Certify the Amendment with Suggested Modifications:

A **YES** vote is recommended. Passage of this motion will result in (1) certification of the Long Range Development Plan Amendment LRDP 1-11B, as submitted by Pepperdine; and (2) Commission adoption of the findings set forth in Exhibit C to the letter dated October 3, 2013 from Pepperdine University; and (3) Commission adoption of the findings in the September 27, 2013 Staff Report, as modified as requested by Pepperdine as set forth in Pepperdine's Exhibit C (yellow sheet). The motion to certify and adopt findings passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LONG RANGE DEVELOPMENT PLAN AMENDMENT 1-11B AS SUBMITTED:

The Commission hereby certifies Pepperdine University Long Range Development Plan Amendment 1-11B, adopts the findings as set forth in Exhibit C to the letter dated October 3, 2013 from Pepperdine University, and adopts the findings in the September 27, 2013 Staff Report as modified for consistency with Exhibit C. The Commission takes such action on the grounds that the LRDP, as modified by Amendment LRDP 1-11B, will meet the requirements of and be in conformance with the policies of Chapter 3 of the Coastal Act. Certification of the LRDP as amended complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the LRDP Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts of the LRDP Amendment on the environment.

EXHIBIT B

LRDP Amendment 1-11, Part B – Response to September 27, 2013 Staff Report
EXHIBIT B

Overview: The full set of Pepperdine's LRDP Policies are found in the certified LRDP Polices and Amendments Compilation, dated June 2013. In the September 27, 2013 Staff Report on LRDP Amendment 1-11, Part B, the Commission Staff recommended certain modifications to the LRDP's Visual Resources and Environmentally Sensitive Habitat Area Policies. Pepperdine believes that the LRDP Policies as written are in compliance with the Chapter 3 policies of the Coastal Act, and does not believe that Staff's suggested modifications are necessary to ensure that the LRDP, as amended, continues to comply with the Coastal Act. Therefore, Pepperdine respectfully requests that the Commission decline to adopt the Staff Report's suggested modifications.

For the convenience of the Commission, we have reproduced the Staff Report's recommended modifications, with Pepperdine's requested revisions in strikethrough. Pepperdine's requested revisions will return Pepperdine's certified LRDP Policies back to their original text, prior to Staff's suggested modifications.

Staff Report Suggested Modification 1, With Pepperdine's Requested Revisions:

Pepperdine requests that the sixth bullet of the policy recitations in the LRDP "Visual Resources" section be adopted **without** the Staff's requested modifications that are shown in strikethrough below:

- Campus Lighting

(C) All new field lighting of athletics facilities shall be ~~limited to the approved locations of the Tari Frahm Rokus Field, Stotsenberg Track, and Eddy D. Field Baseball Stadium as of August 2013, within the main campus area, and~~ installed and maintained with "Qualite" or a superior, state-of-the-art technology designed to dark sky-compatible standards. Lighting shall be minimized, directed downward, and shielded using the best available visor technology and pole height design to minimize light spill, sky glow, and glare impacts to public views to the maximum extent feasible. Replacement components shall be of at least equal or superior quality to the original installations. All sports lighting shall be designed to minimize light trespass into adjacent non-target areas, and to limit the illumination of adjacent open space and sensitive habitat areas.

Staff Report Suggested Modification 2, With Pepperdine's Requested Revisions:

Pepperdine requests that the new bulleted policy within the ESHA section of the certified LRDP recommended by the Staff and shown in strikethrough below **not** be adopted:

~~At the time a Notice of Impending Development (NOID) is submitted for development in Marie Canyon, north of Huntsinger Circle Drive, a "Recreation Area Management Plan" shall be included in the submittal and shall at a minimum include the specifications listed below. The NOID shall commit the University to comply with the approved plan as long as the proposed development is Marie Canyon, or any portion thereof, continues to exist.~~

~~If, for any reason, such a plan is not submitted with the NOID, it shall be appropriate for the Commission to condition the NOID to preclude commencement of development until a plan meeting the following requirements is submitted:~~

~~(1) The Recreation Area in Marie Canyon shall be limited to day use, and no night lighting, whether temporary or permanent, shall be installed.~~

~~(2) The location of the 1,600-sq. ft. restroom/storage building shall be at the southeastern portion of the Recreation Area, immediately adjacent to " Facility J" (or the "Page Terrace Parking Lot" as it is otherwise known in August 2013), east of the Recreation Area;~~

~~(3) The orientation of the day-use playing field within the Recreation Area may be adjusted from time to time within the boundaries of the Recreation Area as necessary to maintain field conditions;~~

~~(4) Management of grass turf within the Recreation Area shall be performed in accordance with the following requirements:~~

~~• No rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall be used.~~

~~• Use of pesticides and herbicides shall be minimized.~~

~~• Integrated Pest Management shall be implemented, which may include use of appropriate biopesticides, lining the playing field to exclude rodents, etc.~~

~~• Efficient irrigation or other management practices shall be used, to eliminate runoff from turf during the dry season or during extended dry periods during the rainy season.~~

~~• Grass cultivars that are pest-resistant shall be used.~~

~~(5) All paving, such as but not limited to walkways, shall use permeable pavement;~~

~~(6) Stormwater runoff from the playing field shall be infiltrated, detained, or retained onsite for each storm event, up to and including the 85th percentile, 24-hour storm event.~~

~~(7) If a turf field is not planted, or is discontinued in the future, the University shall submit a landscaping plan to supplement the Recreation Area Management Plan, for Executive Director review and approval, that utilizes a palette of locally native fire retardant plants that are drought tolerant and require minimal application of pesticides, herbicides, and water, and shall implement the approved plan.~~

EXHIBIT C

PROPOSED FINDINGS AND DECLARATIONS IN SUPPORT OF MOTION AND RESOLUTION TO CERTIFY AMENDMENT 1-11, PART B TO THE PEPPERDINE UNIVERSITY LONG RANGE DEVELOPMENT PLAN, AS SUBMITTED

I. OVERVIEW

Below are the proposed findings and declarations to support the Commission's certification of Pepperdine University Long Range Development Plan Amendment 1-11B (the "Amendment"), as submitted. When adopting these proposed findings, we request that the Commission also direct Staff to revise the declarations and findings contained in the September 27, 2013 Staff Report (the "Staff Report") to be consistent with the information, findings, and declarations set forth below.

II. PROPOSED FINDINGS BY STAFF REPORT SECTION

A. Section IV.A (Amendment, Context & Environmental Setting) and Section IV.B (Background)

1. Pepperdine's existing intramural field (former equestrian facility) and the existing athletic lights at that field were approved in their current location by the Commission pursuant to three Coastal Development Permits (CDP P-80-7325, CDP 5-81-395A, and CDP P-81-7818) issued prior to the 1990 certification of the LRDP.

2. When it certified the Pepperdine University LRDP in 1990, the Commission certified that all on-the-ground development at the time of certification was consistent with the goals, policies, rules and regulations of the Commission.

3. The former equestrian facility and necessary lights had been built by 1990 when the LRDP was certified.

4. The new lights will be sited at the approved Enhanced Recreation Area (LRDP Facility 357), which is located within the existing developed Campus core. The Enhanced Recreation Area will be generally surrounded by developed or other disturbed areas, including the Page Terrace Parking Lot, Huntsinger Circle, other roads and sidewalks, a stock pile and debris basin, and various areas subject to routine fuel modification.

B. Section IV.C (Review of Proposed Lights as New Development)

1. Findings A.1 – A.3 are incorporated by reference.

2. Under the California Environmental Quality Act ("CEQA") (with which the Commission is required to substantively comply in light of its certified regulatory program under CEQA Guidelines Section 15250), the proper environmental baseline is existing conditions on the ground. *See* CEQA Guidelines § 15125(a). The Campus Life Project Environmental Impact

Report and Pepperdine's supplemental environmental analysis provided to the Commission compared potential future impacts to the current impacts from the existing intramural field lights. This was the proper comparative "baseline."

3. The Amendment will result in a benefit to the Marie Canyon setting allowing Pepperdine to replace its existing, inefficient flood lights with new, highly-advanced lighting that will significantly limit and reduce light trespass and glare in natural areas.

C. Section IV.D (Environmentally Sensitive Habitat Area)

1. The proposed lights will be installed at the approved Enhanced Recreation Area, which will be adjacent to a number of developed or other disturbed areas, including the Page Terrace Parking Lot, Huntsinger Circle, other roads and sidewalks, a stock pile and debris basin, and various areas subject to routine fuel modification.

2. The Pepperdine University Malibu Campus is properly classified as an Illuminating Engineering Society of North America ("IESNA") Lighting Zone 3. However, due to the Enhanced Recreation Area's location in the vicinity of natural areas, the appropriate threshold to measure potential light trespass impacts is 0.1 foot-candles ("fc") into undisturbed areas. This is consistent with IESNA Lighting Zone 1.

3. No light trespass beyond 0.1 fc will occur outside developed or disturbed areas. Light trespass between 0.09 and 0.01 fc may occur in approximately 0.2 acres of undisturbed scrub to the southwest of the Enhanced Recreation Area, but illuminance at this level is generally consistent with and even below background light values in the area and, as such, is not expected to adversely impact any sensitive species.

4. The area immediately surrounding the Enhanced Recreation Field includes parking areas, soil stockpile areas, turf grass areas/athletic field, slopes with predominantly non-native species, a regularly maintained debris basin, and fuel modification areas. This area exhibits very low to no value for migrating birds. Following the build-out of the Campus Life Project, Pepperdine will have reduced the type of light most likely to contribute to sky glow by approximately 50 percent, reducing potential impacts on migrating birds. The proposed lighting has also been designed to substantially reduce light from reaching the altitudes at which most night migrants are flying (*e.g.* 2,000 to 4,000 feet), further reducing potential adverse impacts on migrating birds.

5. Because the proposed lights are expected to reduce light trespass and glare impacts when compared to existing conditions, the LRDP, as amended, will be consistent with the Coastal Act's environmentally sensitive habitat area ("ESHA") policies.

D. Section IV.E (Public Coastal Access and Recreation; Visual)

1. The proposed lights will be constructed within the existing developed Campus core and will not adversely impact the University's previous preservation of nearly 500+ acres of natural slopes and ridgelines on the Campus deemed by the Commission as the most important visual impact mitigation in the approved LRDP.

2. The proposed light fixtures will not be visible from Malibu Canyon Road, Pacific Coast Highway, or the Santa Monica Mountains Conservancy-Owned Malibu Bluffs and are invisible from the majority of trails located in the vicinity of the Campus. The proposed light fixtures and poles would be visible for less than four percent of the 4.1 miles that comprise the combined Coastal Slope and Mesa Peak trails.

3. Following the build out of the Campus Life Project, Pepperdine will have reduced the type of light most likely to contribute to sky glow by approximately 50 percent, reducing potential visual, recreational and coastal access and recreation impacts and improving the dark sky character of the Malibu-area.

4. Because the replacement of the existing lights will not result in significant adverse impacts to the scenic and visual quality of the area or impact coastal access or recreational opportunities, the LRDP, as amended, will be consistent with all applicable Coastal Act visual resources and public access and recreation policies.

E. Section IV.F (Alternatives)

1. Pepperdine fully analyzed an adequate range of alternatives to building an appropriately sized, night-lit field at the site of the approved Enhanced Recreation Area. Pepperdine's analysis looked at four alternatives and concluded that the approved site of the Enhanced Recreation Area was the environmentally superior alternative.

2. The conversion of Alumni Park would require significant surface grading and a combination of up-slope retaining walls and down-slope fill, resulting in a noticeably altered landform visible from Pacific Coast Highway. Development of the Alumni Park site would obstruct the views of the prized southeasterly oriented shoreline and ocean views from many locations. Converting Alumni Park to a recreational use is also infeasible due to existing critical University needs and uses at the Park. Alumni Park serves as Pepperdine's primary, multi-use outdoor event and gathering space.

F. Section IV.G (California Environmental Quality Act)

1. Based on the Amendment as submitted by Pepperdine, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Amendment, as submitted, is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

PEPPERDINE UNIVERSITY

GOVERNMENTAL AND REGULATORY AFFAIRS

LRDP Amendment 1-11, Part B – Response to September 27, 2013 Staff Report

October 4, 2013

Agenda Item
W11a

VIA EMAIL

Chair Shallenberger and Honorable Commissioners
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Re: **Pepperdine University's Campus Life Project: LRDP Amendment 1-11, Part B,** Agenda Item W11a

Dear Chair Shallenberger and Honorable Commissioners:

We are writing in response to the September 27, 2013 Staff Report (the "Staff Report") regarding Pepperdine University's ("Pepperdine") application for Long Range Development Plan ("LRDP") Amendment 1-11, Part B (the "Amendment"). While Pepperdine appreciates the Staff's work in analyzing the issues involved in the application for the Amendment, it strongly disagrees with the Staff's inaccurate statements and recommendation that the Commission deny the application as submitted. **Over the last two years, we have provided substantial evidence to the Commission demonstrating that Pepperdine's proposal to amend the LRDP, allowing replacement of existing, inefficient intramural field lights with state-of-the-art lighting fixtures to reduce light impacts, is consistent with all Coastal Act policies.**

In making the denial recommendation, the Staff Report unreasonably: (i) fails to consider and/or summarily dismisses, without sound basis, significant information that Pepperdine has submitted to the Staff over the last two years; (ii) misstates facts in a way that could be misleading to the Commission on several important issues, including issues related to prior Commission approvals and the purpose and intent of the LRDP itself; and (iii) recommends denial, in large part, based on (1) significance thresholds that depart from established Commission precedent and (2) unsupported and speculative conclusions related to biological impacts at the site.

These materials have been provided to the Coastal Commission Staff: Agenda Item W11a

As summarized below, the University is confident that it has designed this project in a way that will result in a significant improvement in lighting impacts to natural areas compared to existing conditions and be fully protective of Coastal resources moving forward. In fact, even if Pepperdine used the Staff's recommended threshold, the proposed light exceedances would only impact 0.2 acres, and there would still be no significant environmental impacts **Therefore, we respectfully request that the Commission reject the Staff's recommended modifications put forth in the Staff Report and approve the Amendment as submitted so that Pepperdine can implement this critically important project for its Campus community**.

I. THE PROPOSED LIGHTS FILL A CRITICAL UNIVERSITY NEED[1]

Pepperdine has recognized a critical University need for additional flat, night-lit recreational space for the health and well-being of its students. The approval of the field for the Enhanced Recreation Area in LRDP Amendment 1-11 Part A was essential because, while Pepperdine's competitors tend to dedicate 10-19% of their campuses' acreages to recreational space, **only 1.3% of Pepperdine's campus is flat recreational space**. This limited recreational space significantly limits and constrains opportunities for students who partake in informal recreation on Campus, as well as the significant number of Pepperdine students who participate in one or more of the University's many intramural sports (*e.g.*, flag football, volleyball, dodge ball, soccer and ultimate Frisbee) and competitive club sports (*e.g.,* lacrosse, soccer, and rugby). A further significant limitation occurs from University student schedules, which are full of coursework, service projects, and jobs, such that the only time many students have for recreation is at night. Not only is the field space itself limited, but night-lit field space is even scarcer. **Pepperdine has a single under-sized, lit recreation field. Peer colleges have three to twenty times as much night-lit space**. This real deficiency in field space is precisely the reason Pepperdine went before this Commission last December and requested that this undersized field be enhanced, and is why Pepperdine is before the Commission today asking for this replacement lighting. **Pepperdine needs this lighted field to serve its students and the rest of the Campus community**.

A. The Staff Recommendation Leaves Pepperdine With an Impossible Choice

The Staff Report's recommendations result in requiring Pepperdine to make a very difficult choice. Pepperdine would either have to discontinue all outdoor nighttime intramural and outdoor recreational field activities by eliminating **Pepperdine's only existing outdoor lit intramural field** or continue using its existing undersized, flood-lit field to meet the existing and future needs of its student body. The existing lighting impacts on the natural areas near the field are more impactful than Pepperdine's proposal. Staff's recommendation of denial would prevent Pepperdine from replacing the existing, inefficient flood lights (the "Existing Lights") with a new, highly-advanced lighting package (the "Proposed Lights") that would significantly limit and reduce light trespass and glare in natural areas. Commission approval of the Amendment will

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1 For additional details on why this Amendment is of critical importance to the University, please see the White Paper on "Project Need" (Attachment 1).

have the dual benefit of reducing existing impacts while also helping the University address its critical deficiency in available flat, night-lit recreational space.

II. THE UNIVERSITY'S USE OF A 0.1 FC TRESPASS LINE FOR DETERMINING SIGNIFICANT IMPACTS IS APPROPRIATE FOR THE FIELD'S CAMPUS SETTING[2]

The Pepperdine Malibu Campus is registered with the California Energy Commission as a Lighting Zone 3, which provides for a 0.8 fc line for determination of significant impacts. Nevertheless, out of an abundance of caution and because the Proposed Lights would be installed in an area with the potential to impact sensitive resources, Pepperdine undertook an extensive environmental analysis to ensure that its project would not result in significant environmental impacts. In preparing this analysis, Pepperdine appropriately utilized a threshold of 0.1 footcandles ("fc"). However, for the first time in the Commission's history, the Staff Report recommends an impact threshold of 0.01 fc, rejecting Pepperdine's threshold **and the significance threshold utilized by the Coastal Commission in all of its recent similar actions**. The Staff Report does so even after Staff told Pepperdine that its 0.1 fc threshold was appropriate and despite the fact that it has been standard Commission practice to use the 0.1 fc threshold in areas where sensitive resources may be present. The 0.1 fc threshold is also consistent with current Illuminating Engineering Society of North America ("IESNA") recommendations, and for the reasons discussed below, fully appropriate to measure impacts where Pepperdine will install the Proposed Lights.

At the outset, we note that the Commission has relied on the 0.1 fc threshold time and time again in areas near sensitive resources. This includes many recent Coastal Commission decisions, including approvals for: (1) Malibu High School athletic field lighting; (2) the Vincent Thomas Bridge; (3) the San Francisco Golden Gate Park; (4) the Marblehead Project in San Clemente; and (5) the DHS Border Fence. For example, as recently as 2011, Commission Staff Biologist, Dr. Jonna Engel, used the 0.1 fc threshold when analyzing potential biological impacts from the proposed City of Malibu High School athletic field lights. In her report, Dr. Engel stated that "[T]he significance threshold for spill light upon sensitive resources is 0.1 foot-candles at any receptor location." *See* Dr. Engel Memo re Malibu High School Athletic Field Lighting at p. 8 (September 22, 2011). Similarly, Coastal Commission Consistency Determination No. CD-054-05 also noted that "in the Commission's review of the Department of Homeland Security's (DHS') Border Fence project at the U.S./Mexican border, the lighting was to be directionally shielded away from biologically sensitive areas (i.e., outside the immediate project footprint, where it was to be no lighter than the light from a full moon, which was defined as 0.1 foot-candles of illumination, based on coordination between DHS and the U.S. Fish and Wildlife Service)." *Ibid* at p. 24, fn. 6. A 0.1 fc threshold was also used by the Commission for areas near bluffs trails in the Carpinteria Bluffs Coastal Access, Recreation, and Open Space

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[2] For additional information on why the 0.1 fc threshold is appropriate, please see the White Paper on "Threshold Selection" (Attachment 2).

Master Program (95-743-LCPA).[3] And, as mentioned above, earlier this year Dr. John Dixon applied the 0.1 fc threshold to the recreational lights then proposed at Golden Gate Park. *See also* Glenn Lukos Associates Memorandum: "Review of August 23 and September 26, 2013 Memorandum Prepared by Dr. Jonna Engel Addressing Pepperdine's Proposed Athletic Field Lighting," dated October 3, 2013 ("GLA Memorandum") at p. 6 (attached hereto as Exhibit 1).

At a site visit in October 2012, Dr. Engel confirmed that Pepperdine's use of the 0.1 fc threshold was appropriate for determining the potential impacts at the project site from the Proposed Lights.

A. Use of the LZ0 Threshold as Proposed by Staff is Improper in Areas Where There is Existing Ambient Lighting

As noted in the Staff Report, following the certification of the Campus Life Project environmental impact report ("EIR"), IESNA published a new, five-zone system in the IESNA Lighting Handbook 10th Edition issued in June 2011. In this document, the IESNA proposed a new zone, "Lighting Zone 0" ("LZ0"), which the Staff Report applies to the Enhanced Recreation Area. **This designation is arbitrary and capricious**. LZ0 "typically includes undeveloped areas of open space, wilderness parks and preserves," and "areas near astronomical observatories." Staff Report at p. 45. **The LZ0 threshold applies to situations where there is no ambient light.**

Dr. Fred Oberkircher, the past President of the IESNA who participated in the development of the new lighting zone standards, explained that the LZ0 standard is appropriate where:

> "[I]f one were to stand in a spot and face the four compass directions, no man-made lighting would be seen." *See* Memorandum from Dr. Fred Oberkircher, dated October 4, 2013 ("Oberkircher Memorandum") (attached hereto as Exhibit 2).

Unlike an undisturbed wilderness where one might expect no ambient light, such as the situation described by Dr. Oberkircher above, the Proposed Lights will be placed in a developed and disturbed portion of a University campus that operates 24-hours a day and ensures the safety and security of its students with proper illumination. While there are natural areas in the vicinity of the Proposed Lights, ambient light conditions in **those areas already exceed the LZ0-recommended 0.01 fc standard by as much as a factor of five** (even without taking into account the existing recreational field lighting. *See* Letter from Francis Krahe & Associates ("FKA") to Rhiannon Bailard re: "Lighting Impact Analysis," dated October 3, 2013 ("FKA Memorandum") (attached hereto as Exhibit 3). The Proposed Lights at the project site experience ambient light from sources surrounding it on three sides.

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3 The Carpinteria Bluffs LCPA is available at: http://www.carpinteria.ca.us/PDFs/cd_Carp%20Bluffs%20Access.pdf.

FKA's measurements show that the hillsides adjacent to the existing intramural field are currently illuminated, even without the existing field lights in operation. Light is incident in the canyon from streetlights at the Drescher Graduate Campus to the west, from the maintenance facilities and buildings along Huntsinger Circle Road to the south, and from the parking lots and Graduate Housing to the east. The existing lighting conditions contradict Staff's selection of the LZ0 threshold, since nearly all of the Pepperdine campus, as well as the adjacent residential communities and some portions of adjacent public highways, present ambient light and illuminance.

The new IESNA lighting zones set forth recommendations for areas like the location of the Proposed Lights where there is ambient lighting, but where there may also be some potential risk to flora and fauna. In these types of environments, an LZ1 or LZ2 designation may be appropriate. *See* Exhibit 2 (Dr. Oberkircher's conclusion that an LZ2 designation would be appropriate for the Enhanced Recreation Area). Out of an abundance of caution and upon the recommendation of Dr. Engel, however, Pepperdine applied the more conservative of the two standards, LZ1. LZ1 is described as: "Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline." *See* IESNA Handbook, 10th ed., at p. 26.13. **In LZ1 zones, IESNA recommends a 0.1 fc threshold, which is precisely what Pepperdine used.** This threshold is both appropriate and protective of coastal resources, and Pepperdine respectfully requests that the Commission recognize the threshold selection as appropriate for its review. Regardless, as explained below, whatever threshold is applied, Pepperdine's Proposed Lights are not expected to result in significant impacts and will be protective of sensitive resources in the area.

III. THE COMPARISON OF THE NEW LIGHTS TO THE EXISTING CONDITIONS BASELINE – THE EXISTING FIELD WITH MORE IMPACTFUL LIGHTS – IS PROPER AND COMPLIES WITH CEQA[4]

In evaluating the potential environmental impacts of the Proposed Lights, Pepperdine appropriately used an environmental baseline that considered existing conditions on the ground, including the existing intramural field lights. Staff's assertion that Pepperdine should have used a hypothetical, "no lights" baseline would result in incorrect information and violate the California Environmental Quality Act ("CEQA").

Under CEQA (with which the Commission is required to substantively comply in light of its certified regulatory program under CEQA Guidelines Section 15250), the proper environmental baseline is existing conditions on the ground. *See* CEQA Guidelines § 15125(a). The Campus

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4 For additional information on why Pepperdine's selection of environmental baseline is appropriate, and how the Amendment complies with CEQA, please see the White Paper on "Baseline Selection and CEQA" (Attachment 3).

Life Project EIR and Pepperdine's supplemental environmental analysis provided to the Commission compared potential future impacts to the current impacts from the existing intramural field lights. This was the proper comparative "baseline." The analysis demonstrated that the new lights would reduce impacts compared to existing conditions. Staff claims that because the project "constitutes complete redevelopment" (Staff Report at p. 25) it should not consider the existing conditions. The Staff does not have, nor does the Staff Report cite, any legal basis for this position. In fact, CEQA caselaw makes clear that the existing conditions **are** the appropriate baseline for environmental review. *See, e.g., Environmental Planning and Information Council v. County of El Dorado*, 131 Cal. App. 3d 350 (1982) (holding that an environmental impact report must focus on impacts to the existing environment, not hypothetical situations); *Save Our Peninsula Committee v. Monterey County Bd. Of Supervisors*, 87 Cal. App. 4th 99, 121 ("[T]he impacts of the project must be measured against the 'real conditions on the ground'") (quoting *City of Carmel-by-the-Sea v. Board of Supervisors*, 183 Cal. App. 3d 229, 246 (1986)). On the ground today is a recreation field with outdated lighting that will be replaced with a new, enhanced field and technologically superior lighting. Even if this were complete "redevelopment", it does not change the fact that these are on the ground conditions, and these on the ground conditions form the proper baseline to review environmental impacts. *See* CEQA Guidelines § 15125(a).

The Staff also states that Pepperdine "is not entitled to rely on unpermitted development as a baseline in support of the approval of proposed new development." Staff Report at 25 (citing *LT-WR, L.L.C. v. California Coastal Comm'n* (2007) 152 Cal.App.4th 770, 797). The Staff's position and cited case, however, are inapposite, because Pepperdine's existing field and lights, as will be explained below, are permitted development, are on-the-ground, and form the existing conditions at the site. Therefore, the existing field and lights serve as the proper baseline for analyzing impacts. Further, *LT-WR L.L.C.* is clearly distinguishable from the approval of the Proposed Lights. *LT-WR, L.L.C.* denied a request to relocate unpermitted buildings to areas that had been illegally cleared. The Commission rejected LT-WR's contention that it was merely seeking a "*de minimis*" relocation of existing structures "to areas which had previously been cleared." Here, Pepperdine is not seeking any *de minimis* approvals, and has conducted a thorough environmental review of the potential impacts of the Proposed Lights.

Even if the existing field and lights were not permitted—which is not the case—the existing fields and lights would *still* serve as the proper baseline. There is ample California legal authority that supports the proposition that the environmental baseline must include existing conditions, even when those conditions have never been reviewed or are unlawful. For example, in *Fat v. County of Sacramento*, the Court of Appeal for the Third Appellate District held that Sacramento County properly used 1997 environmental conditions as the baseline for CEQA review of an airport, even though the airport had been operating and growing without county permits for thirty years. *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270. The court rejected an argument from airport neighbors that the baseline for review should be 1970, the year that CEQA was enacted, because the airport had never been subject to environmental review. *Id.* at 1281. Even

though portions of the airport had been built without permits or environmental review, the court found that the already-constructed portions constituted the baseline for environmental review. *See also Citizens for East Shore Parks v. State Lands Comm'n* (2011) 202 Cal.App.4th 549, 561 ("[T]he baseline must include existing conditions, even when those conditions have never been reviewed and are unlawful.").

IV. THE PROPOSED LIGHTS DO NOT RESULT IN SIGNIFICANT IMPACTS TO NATURAL RESOURCE AREAS[5]

A. The Proposed Lights Will Not Significantly Impact Sensitive Species

1. Even Utilizing the Staff's Improper LZ0 Threshold, The Proposed Lights Exceedances Only Impact 0.2 Acres

At the request of Commission Staff, FKA prepared measurements showing the distances from the proposed field where light values would be at, or greater than, 0.1 fc. In conducting these measurements, FKA found that no light trespass beyond 0.1 fc would occur outside developed or disturbed areas, and that light trespass between 0.09 and 0.01 fc may occur in approximately 0.2 acres of undisturbed scrub to the southwest of the Enhanced Recreation Field, as depicted in the graphic below.

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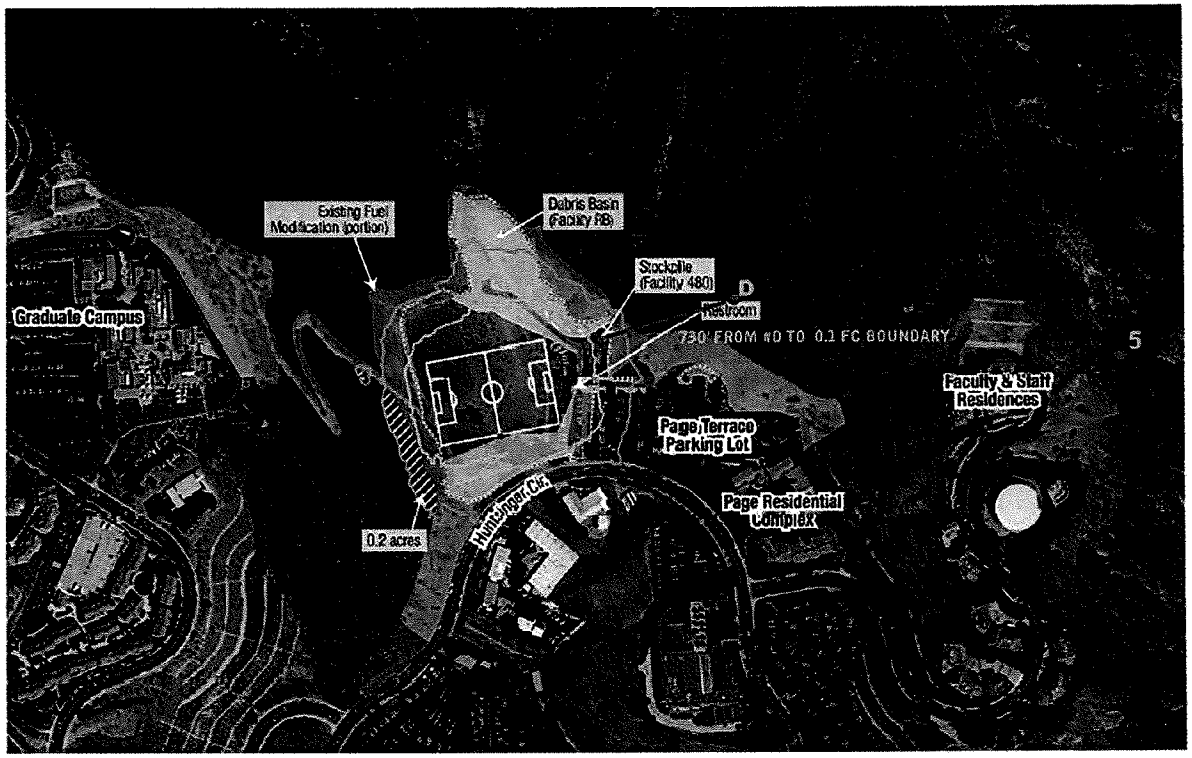
5 For additional information confirming that the Proposed Lights will not result in significant impacts, please see the White Paper on "Impacts Analysis" (Attachment 4).



RECEPTOR SITE PLAN 1

2. Light Impacts to the Natural Areas Adjacent to the Areas Near the Proposed Lights Do Not Affect Sensitive Species

Although Pepperdine is confident that the Proposed Lights' design is fully protective of coastal resources, Pepperdine is sensitive to the Staff's concerns, and, as such, engaged Glenn Lukos Associates ("GLA") to conduct a supplemental, site-specific biological analysis to determine the potential impacts of the Proposed Lights at the Enhanced Recreation Area on (1) sensitive biological resources in the vicinity of the lights and (2) migrating birds that may fly over or use portions of the Campus as they travel along the Pacific Flyway. While the EIR concluded that there would be no significant light trespass impacts based on a 0.1 fc threshold, for purposes of this analysis, GLA looked at the potential impacts of light trespass down to an extremely conservative 0.01 fc threshold identified in the Staff Report. *See* Exhibit 1 at pp. 6-7.

GLA analyzed the possible impacts of the Proposed Lights on over a dozen species that may occur in the area surrounding the Enhanced Recreation Area. GLA concluded that there would be **no** significant adverse impacts to **any** of the species expected to occur in the area surrounding the Enhanced Recreation Area.

The minimal light trespass into the 0.2 acres of undisturbed area is consistent with the existing ambient light already present in that area. Based on this, GLA concluded that many of the species that occupy the area are urban-adapted and acclimated to some level of artificial light trespass and that due to background light values in the area, the introduction of the Proposed Lights would not be expected to adversely impact any sensitive species. *See* Exhibit 1 at pp. 8-15.

GLA further concluded that the Proposed Lights are unlikely to adversely affect migratory birds. GLA notes that the area surrounding the Enhanced Recreation Area has very low to no stop-over value for migrating birds. GLA also notes that many of the migrating birds that pass through the area are only active during the day, and night-migrating birds should be unaffected due to their normal flight patterns and the proposed lighting design. For those that do night-migrate, following the build out of the Campus Life Project, there will be an approximately 50 percent reduction of lighting most likely to contribute to sky glow, further reducing potential impacts on migrating birds.

B. The Proposed Lights Will Not Result in Significant Visual Impacts

The Proposed Lights represent a marked improvement over existing conditions and will enhance the visual character in Malibu. Multiple simulations confirm that the Proposed Lights will not result in significant visual impacts from roadways or trails. The Proposed Lights' fixtures will not be visible from Malibu Canyon Road, Pacific Coast Highway, or the Santa Monica Mountains Conservancy-Owned Malibu Bluffs and are invisible from the majority of trails located in the vicinity of the Campus. In addition to designing the lights to reduce sky glow impacts, following the build out of the Campus Life Project, Pepperdine will have reduced the type of light most likely to contribute to sky glow by approximately 50 percent, reducing potential visual impacts and improving the dark sky character of the Malibu area. Because the replacement of the Existing Lights are not expected to result in significant adverse impacts to the scenic and visual quality of the area or impact coastal access and recreation, the LRDP, as amended, will be consistent with all applicable Coastal Act visual resources and public access policies.

V. THE EXISTING INTRAMURAL FIELD AND LIGHTS ARE PERMITTED DEVELOPMENT[6]

Contrary to the Staff Report's unfounded assertions, Pepperdine's existing intramural field and lights were installed with Commission approval. Specifically, Pepperdine moved its equestrian facility to its current location pursuant to three Commission-issued Coastal Development Permits ("CDPs") in the early 1980s (CDP P-80-7325, CDP 5-81-395A, and CDP P-81-7818). These same CDPs authorized the installation of the lights currently in place at the intramural field,

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6 For additional details on how Facility 357 complies with the Coastal Act and is permitted development, please see the White Paper on "Legal Status of LRDP Facility 357" (Attachment 5).

which are a continuation of an existing use, as the earlier equestrian facility included lighting. Pepperdine acknowledges that the three CDPs do not describe the location of the field or the lights, but this is a function of the time period in which the CDPs were issued. The level of detail used by the Commission to describe development in CDPs in the 1980s was vastly different than it is today. As depicted in the reproduction below, the limited project descriptions for the multiple facilities approved by CDP P-80-7325, CDP 5-81-395A, and CDP P-81-7818 generally include no more information than the name of the facility itself:[7]

- **P-80-7325 (Development Description)**: *Dismantling of an equestrian center and construction of 116 units of law school and undergraduate student housing, parking spaces for 484 cars, staircases to the University Annex, an electrical distribution building and temporary classroom facility. Application includes a request for approval of allocation of the needed portion of the unused sewage treatment capacity to the proposed facilities. Project is included in the University Land Plan.*

- **CDP P-81-7818 (Development Description)**: *Construction of university campus facilities including a heritage hall, music wing, and a visiting professors' duplex, relocation of an equestrian center and expansion of the student housing reception center. These proposals are consistent with the University's Master Plan, previously reviewed and approved by the Commission.*

- **CDP 5-81-395A (Amendment to Permit P-80-7325)**: *Relocate existing equestrian center to be dismantled for 116 unit housing as approved on P-80-7325.*

The limited detail in these historic CDPs should not be interpreted against the University. Lest one would think that Pepperdine was undertaking actions under the radar during this period, it is important for the Commission to recognize that Pepperdine in fact received an as-built grading permit from the County of Los Angeles in 1987 that shows the facility in its current location north of Huntsinger Circle. Furthermore, and contrary to Staff Report assertions to the contrary (Staff Report at pp. 15-16), the Commission was fully aware of the field's location. In the August 28, 1989 Staff Report on the LRDP, Staff notes that:

> Since [the denial of Pepperdine's vested rights application] the Coastal Commission has approved further development within the existing graded portion of the campus including student, faculty and staff housing, fine arts theatre, art exhibit halls, heritage hall, **equestrian riding ring located just northwest of the existing graded campus**, and various parking, sports, security, storage, and temporary trailer uses.

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[7] This is true of the equestrian center as well as all of the other multiple facilities referenced and approved by these CDPs. For example, there is no description other than "heritage hall" for one P-81-7818 approved facility, yet this does not mean the facility was not approved with offices, restrooms, and meeting areas.

This description of northwest of the existing graded campus is precisely consistent with the current location of the equestrian center, in which location it has been since it was constructed pursuant to Commission-issued CDPs in 1984.

A. The Commission's Approval of the LRDP Certified that the Field and Lights Were Installed Consistent with the Coastal Act

When the Commission certified Pepperdine's LRDP, it certified that all "[d]evelopment at Pepperdine University has been consistent with the goals, policies, rules and regulations of the. . . California Coastal Commission." Staff would have the Commission believe that the LRDP certification only covered the LRDP policies. Staff Report at p. 14 (claiming the certification of the existing development's consistency with the Coastal Act policies "is only general background text, and not a certified LRDP policy, it provides no standard or even guidance that is relevant to evaluating any specific development.") **This is not accurate.** To the contrary, the Commission found that the "approved Pepperdine University Long Range Development Plan (LRDP) consists of the Pepperdine University Specific Plan, 1982-1997, as revised October 1983 and August 1989." LRDP Findings at p. 7. The 1982-1997 Specific Plan included a "Specific Goals and Policies" section, which included both the description of existing conditions on Campus and the goals and policies for future development. When considering the LRDP in 1989, the Commission offered suggested modifications to the "Specific Goals and Policies (pp. 22-43)" of the Specific Plan (which, again, would become the LRDP) that the Commission "found necessary to bring the Pepperdine University LRDP into conformity with the. . . polices of the Coastal Act." *Id.* at p. 12. This is logical, as the Commission is tasked, under the Coastal Act, with certifying that the LRDP **in its entirety** (not just its policies) is consistent with Coastal Act's policies. *See* Coastal Act § 30605. **The LRDP certified that all on the ground development was consistent with the Coastal Act. The field and lights were in fact on the ground, and, as such, the Commission certified them as in compliance with the Coastal Act.**

Regardless, the Commission's certification of LRDP Amendment 97-2 conclusively dismissed any outstanding concern with Facility 357's Coastal Act compliance by expressly recognizing that the proposed LRDP map change, which was requested to "accurately reflect the current location of the existing equestrian center including a riding ring and stable" would "**reflect what currently exists**." LRDP Amendment 97-2 Staff Report at p. 7 (emphasis added).

VI. THE PROPOSED LIGHTS AT THE ENHANCED RECREATION AREA ARE NOT ONLY CRITICAL FOR PEPPERDINE, BUT ARE ALSO THE ONLY FEASIBLE ALTERNATIVE[8]

Of all the alternatives analyzed by Pepperdine, only the Proposed Lights at the Enhanced Recreation Area meet Pepperdine's needs and objectives. Staff suggestions for purported alternatives are both more impactful and infeasible.

Pepperdine fully analyzed an adequate range of alternatives to building an appropriately sized, night-lit field at the site of the approved Enhanced Recreation Area. Pepperdine's analysis looked at four alternatives (including the Enhanced Recreation Area) and concluded that the approved site was the environmentally superior alternative. Staff discusses the potential for increasing existing recreational space at Alumni Park (*see* Staff Report at p. 48), which is an infeasible suggestion. Just as Harvard could not put an intramural field on Harvard Yard, Pepperdine cannot convert its main Campus gathering place into a solely recreational facility. Alumni Field is a central component of Campus life and hosts the majority of the University's major outdoor events, is the only suitable location on Campus for all of the University's Commencements, and holds each of Pepperdine's five college graduations every spring. In addition, Pepperdine found that the conversion of Alumni Park would require significant surface grading and a combination of up-slope retaining walls and down-slope fill, resulting in would result in a noticeably altered landform visible from Pacific Coast Highway. Over 500 acres of Pepperdine's Campus is natural open space. The selected location is already home to a lit recreation field, which is subject to existing ambient light (even without the existing lights) and from which light is visible in all four directions, and is the only feasible option for this project.

VII. PEPPERDINE IS PROVIDING VOLUNTARY MITIGATION FOR A PROJECT NOT RECEIVED

While no significant impacts are expected, as voluntary mitigation for the Campus Life Project recreational field lighting (including the Proposed Lights), and at significant expense to the University, Pepperdine agreed to replace all existing clear campus globe lights, which would reduce on-campus street and pedestrian lights that contribute the most to sky glow by approximately 50 percent and ensure that the LRDP, as amended, is consistent with the Coastal Act visual resource policies. Pepperdine voluntarily committed to the globe light replacement in consideration of the proposed implementation of the athletic and recreational field lights. It seems inequitable for the Coastal Commission to now receive the benefit of this voluntary mitigation while denying the very project for which the globe light replacement was intended to mitigate. This is particularly true given the fact that the Proposed Lights are an improvement over existing conditions, are fully protective of coastal resources, and meet established commission thresholds for lighting impacts.

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8 For additional information on Pepperdine's alternatives analysis, please see the White Paper on "Alternatives" (Attachment 6).

One of Pepperdine's key objectives for implementing the Campus Life Project is to provide an enhanced recreation facility, including a lighted field, to alleviate the overcrowded conditions on Campus. If Pepperdine cannot install the Proposed Lights on its approved Enhanced Recreation Area, it will be left without a single lighted intramural recreational field for its students, or would be forced to continue using the existing substandard field with the much more impactful field lights. This is why the approval of the updated, technologically superior proposed lights, which will reduce impacts over existing conditions, is so crucial and why we ask that the Commission approve our Amendment at its October meeting.

Very truly yours,

Rhiannon L. Bailard
Associate Vice President

Cc: Jack Ainsworth, Senior Deputy Director, California Coastal Commission
Melanie Faust, Coastal Program Analyst, California Coastal Commission

Enclosures (8)

ATTACHMENT 1

I. PROJECT NEED

The approval of the field for the Enhanced Recreation Area in LRDP Amendment 1-11 Part A was critical because the Campus topography and geography only provides for 1.3% of Pepperdine's total Campus acreage as flat recreational space. The University's competitors tend to enjoy 10–19% of their campuses' acreage for recreational purposes. The extremely limited available recreational space significantly constrains recreational opportunities for students who partake in informal recreation on Campus, as well as the significant number of Pepperdine students who participate in one or more of the University's many intramural sports (*e.g.*, flag football, tennis, volleyball, dodge ball, basketball, soccer and ultimate Frisbee) and competitive club sports (e.g., lacrosse, soccer and rugby). A further significant limitation occurs from University student schedules, which are full of coursework, service projects, and employment, such that the only time many students have for recreation is at night. Unfortunately, the existing half-acre Intramural Field is Pepperdine's only lit intramural field. If Pepperdine cannot install lights on its approved Enhanced Recreation Field, it will be left without a single lighted intramural recreation field to provide for the health and wellbeing of its students, which is already significantly deficient when compared with peer institutions who have three to twenty times more recreational field space.

Existing Intramural Field Space

Existing University intramural and competitive club sports currently only have two competition fields on campus – its existing "intramural field" located at the former equestrian center, which is the site of the approved Enhanced Recreation Area and the Alumni Park Field. As shown in Table 1 below, the existing intramural field is significantly undersized at 99 feet in width by 201 feet in length when compared to National Intramural-Recreational Sports Association minimum recommended field sizes for recreational sports and consequent University needs. The Alumni Park Field is larger and more functional than the Intramural Field (though it still does not meet recommended field dimensions) and, as such, is heavily utilized by intramural and club sports programs and is currently degraded as a result of this overuse.

Table 1: Recommended and Existing Field Sizes

Pepperdine Offered Intramural/Club Sport	**Recommended Field Size**[1]	**Alumni Park** (175 x 325 ft)	**Existing Intramural Field** (99 x 201 ft)
Soccer	(210 x 345 ft.)	Insufficient	Insufficient
Lacrosse	(201 x 420 ft)	Insufficient	Insufficient
Rugby	(225 x 330 ft)	Insufficient	Insufficient
Ultimate Frisbee	(120 x 360 ft)[2]	Insufficient	Insufficient

[1] The National Intramural-Recreational Sports Association promulgates the required minimum field sizes for Soccer, Lacrosse, and Rugby.

Lit Intramural Field Space

Moreover, the existing intramural field is Pepperdine's only lit intramural field. If Pepperdine cannot install lights on its approved Enhanced Recreation Field, it will be left without a single lighted intramural recreation field for its students, which is already significantly deficient when compared with peer institutions. *See* Table 2.

Table 2: Lighted Recreational Field Area at Pepperdine Peer Institutions

Institution	Lighted Recreational Field Area (acres) *
Pepperdine University	0.46
Loyola Marymount University	3.05
University of California Los Angeles	7.33
University of California Santa Barbara	5.32
University of the Pacific	1.93
Saint Mary's College	1.73
University of San Diego	3.57
University of San Francisco	1.70
Santa Clara University	3.13
University of California San Diego	10.78
University of California Berkeley	5.19
California State University Long Beach	8.63
Stanford University	5.13

*This information was gathered by Envicom Corporation in August 2013.

[2] USA Ultimate, which is the national governing body for Ultimate Frisbee, promulgates the required minimum field sizes for Ultimate Frisbee.

One of Pepperdine's key objectives for implementing the Campus Life Project is to provide an enhanced recreation facility, including a lighted field, to alleviate the overcrowded conditions on Campus. It is particularly important to the University to provide these facilities for non-varsity athletes that still love to compete in intramural, club, and informal recreation, but are limited in their ability to do so due to space and scheduling constraints.

Without approval of LRDP Amendment 1-11 Part B, Pepperdine would be forced to continue using the existing undersized, flood-lit field to meet the existing and future needs of its student body, which is why the approval of the updated, technologically superior proposed lights, which will reduce impacts over existing conditions, is so crucial.

ATTACHMENT 2

I. POTENTIAL LIGHT IMPACTS: THRESHOLD SELECTION

A. Background and Selection of the 0.1 fc Threshold

1. EIR Lighting Analysis

The University's proposed lighting package (the "Proposed Lights") for the Enhanced Recreation Area[1] is based on design principles and recommendations by the International Dark Sky Association ("IDA") and the Illuminating Engineering Society of North America ("IESNA") to significantly limit and reduce light trespass and to protect the natural areas in the vicinity of the proposed field from potentially adverse light impacts. The Campus Life Project ("CLP") Environmental Impact Report ("EIR") includes a lighting impact study (the "EIR Lighting Analysis") undertaken to determine whether the proposed CLP components would result in negative light pollution impacts and, in particular, potential glare or light trespass impacts, based on illumination industry standards, in conjunction with established California Environmental Quality Act ("CEQA") guidelines. The EIR Lighting Analysis analyzed a variety of factors and took physical measurements at 15 "Receptor Sites" in the vicinity of Campus to determine the potential for new CLP lighting to result in significant impacts in areas beyond the Campus' property line. The EIR concluded that the Proposed Lights at the Enhanced Recreation Area would have potential significant impacts if its component light caused light trespass to exceed 0.1 footcandles ("fc") in natural, undisturbed areas. The EIR methodology for selecting the 0.1 fc threshold was based on illumination industry standards, in conjunction with established CEQA guidelines. The EIR used the 0.1 fc threshold based on guidelines developed by the IESNA. Specifically, IESNA "Technical Memorandum-11-00, Light Trespass: Research, Results and Recommendations" concludes that areas may be classified into one of four (E1, E2, E3, E4) "environmental zones," based upon the extent to which control of light trespass is considered necessary or desirable. The EIR measured impacts using the, at the time, most conservative IESNA threshold level. *See generally*, Francis Krahe & Associates' ("FKA") October 3, 2013 Letter Report (the "FKA Report" submitted concurrently herewith).

1. EIR Supplemental Lighting Analysis

In March 2012, FKA prepared an Addendum to the EIR Lighting Analysis (the "Supplemental Lighting Analysis"), which clarified the distance from the (at the time) proposed Enhanced Recreation Area where light values would be at, or greater than 0.1 fc. FKA prepared this analysis **at the request of Commission Staff**. Specifically, in its Notice of Incompletion dated January 30, 2012, Staff directed FKA to "clarify distance from the proposed field that light values would be at, or greater than, 0.1 footcandels [sic] and analyze potential impacts to native vegetation and Marie Canyon stream." *See* Notice of Incompletion, dated Jan. 30, 2012. This is precisely what FKA did in the Supplemental Lighting Analysis. The Supplemental Lighting Analysis concluded that light trespass greater than 0.1 fc would be kept entirely within the other developed and disturbed areas in the vicinity of the Enhanced Recreation Area.

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[1] The Enhanced Recreation Field was approved by the California Coastal Commission without lights in LRDPA 1-11, Part A at LRDP Facility 357.

2. Other Commission Precedent

Prior to its consideration of LRDPA 1-11, the Commission had relied on the 0.1 fc threshold in multiple past decisions when considering potential impacts to sensitive resources. For example, Commission Staff Biologist, Dr. Engel, used the 0.1 fc threshold when analyzing potential biological impacts from the proposed City of Malibu High School athletic field lights. In her report, Dr. Engel stated that "[T]he significance threshold for spill light upon sensitive resources is 0.1 foot-candles at any receptor location." *See* Dr. Engel Memo re Malibu High School Athletic Field Lighting at p. 8 (September 22, 2011). Coastal Commission Consistency Determination No. CD-054-05 also noted that "in the Commission's review of the Department of Homeland Security's (DHS') Border Fence project at the U.S./Mexican border, the lighting was to be directionally shielded away from biologically sensitive areas (i.e., outside the immediate project footprint, where it was to be no lighter than the light from a full moon, which was defined as 0.1 foot-candles of illumination, based on coordination between DHS and the U.S. Fish and Wildlife Service)." *Ibid* at p. 24, fn. 6.

Specific to Pepperdine's Proposed Lights, as explained above, during its consideration of LRDPA 1-11, Commission staff asked Pepperdine to "clarify distance from the proposed field that light values would be at, or greater than, 0.1 foot-candles and analyze potential impacts to native vegetation and Marie Canyon stream." *See* Notice of Incompletion, dated Jan. 30, 2012. In addition, Dr. Engel herself told Pepperdine during a site visit in October of 2012 that the 0.1 fc line was proper to determine significant impacts in the vicinity of the (at the time) proposed Enhanced Recreation Area.

B. Staff Report Selection of the 0.01 fc Threshold

In a break from its prior precedent and direction provided to Pepperdine during its review of the LRDPA 1-11, Part B application, Staff, for the first time in Commission history, appears to establish a 0.01 fc threshold to measure trespass impacts in the vicinity of the approved Enhanced Recreation Area. *See* Staff Report at p. 31; *see also* Dr. J. Engel September 26, 2013 Updated and Further Biological Analysis of the Proposed Artificial Night Lighting at Pepperdine University's Proposed Component 5 Intramural Field (the "Supplemental Engel Memo") at p. 4.

1. Improper Critique of EIR and Supplemental Lighting Analysis

In reaching its conclusions, the Staff Report also questions the sufficiency of the lighting analysis in the County-certified EIR Lighting Analysis (*see* Staff Report at p. 31) and the Supplemental Lighting Analysis. Staff's contentions in this regard are without basis. The Staff Report states that its outside consultant, James R. Benya, "noted that the Krahe & Assoc. (August 2010) report used outdated documents including the Illuminating Engineering Society of North America's (IESNA) Lighting Handbook (9th Ed.) and the IESNA RP-33-994 for establishing environmental lighting standards." Mr. Benya[2] would have the FKA use a lighting standard contained in a version of the IESNA Lighting Handbook (10th Ed.) that had not been

[2] Specific responses to Mr. Benya's "Lighting Analysis and Addendum" are addressed in FKA's October 3, 2013 Letter Report, submitted concurrently herewith.

released at the time the EIR was certified. The inclusion of this critique in the Staff Report is entirely unnecessary, particularly because Dr. Engel recognizes that the EIR used the most conservative standard in IESNA Technical Memorandum-11-00, which was not "outdated" when the EIR was certified. *See* Supplemental Engel Memo at p. 6.

Dr. Engel herself goes so far to assert that FKA relied on "outdated versions of the IES documents" in the Supplemental Lighting Analysis. *See* Supplemental Engel Memo at p. 4. Again, this contention is not based in fact. The Supplemental Lighting Analysis was a targeted analysis prepared at the request of the Commission Staff to address specific questions related to potential light trespass impacts. It was **Commission Staff that asked FKA** to "clarify distance from the proposed field that light values would be **at, or greater than, 0.1 footcandels** [sic] and analyze potential impacts to native vegetation and Marie Canyon stream." *See* Notice of Incompletion, dated Jan. 30, 2012. This is precisely what FKA did. The Staff, now, 10 days before the Commission's consideration of the Amendment, calls into question the credibility of Pepperdine's consultant and his analysis because that consultant **performed the very analysis the Staff asked of him**. A regulatory agency questioning the credibility of a consultant's method of analysis when that same regulatory agency instructed the consultant to do the very analysis it now questions does not make for good policy. We request that the Commission direct Staff to remove all such references to the sufficiency of FKA's analysis from the Staff Report.

2. Staff Establishing a New Threshold Without Notice

We also note that the Staff's apparent imposition of a new threshold requirement, 10 days before the Commission's consideration of the Amendment,[3] after expressly telling Pepperdine that the threshold established by the EIR and Supplemental Lighting Analysis was appropriate, is, again, bad policy: by the time Pepperdine had notice of the Staff's proposal to impose this new, inappropriate (*see* discussion below) threshold, it had already done three years of analysis based on the prior threshold. Nevertheless, despite the Staff Report's new contention otherwise, FKA's selection of the 0.1 fc threshold in the EIR remains conservative and proper for assessing impacts in the vicinity of the Enhanced Recreation Area. The threshold is consistent with current IESNA recommendations, Commission precedent, and ensures that no sensitive species in the area of the Enhanced Recreation Field will be adversely impacted by the Proposed Lighting.

C. The EIR-established 0.1 fc Threshold Remains Appropriate and Fully Protective of Coastal Resources

As noted in the Staff Report, following the certification of the EIR, the IESNA published a new, five-zone system in the IESNA Lighting Handbook 10th Edition issued in June 2011. In this document, the IESNA proposed a new zone, "Lighting Zone 0" ("LZ0"), described as "No Ambient Light: Areas where the natural environment will be seriously and adversely affected by lighting impacts, including disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment." Supplemental Engel

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[3] We acknowledge that the August Staff Report rejected the EIR's use 0.1 fc threshold to measure impacts, but did not provide an alternative threshold.

Memo at p. 4. Again, LZ0 is meant for areas with no ambient light. Citing a personal communication with J. Benya, Dr. Engel concludes as follows:

> "Based on my assessment of the component 5 area in upper Marie Canyon and the definition of LZ0, I concur with Mr. Benya. The significance of this determination is that no ambient lighting is considered appropriate for the Component 5 area in upper Marie Canyon." Supplemental Memo at p. 5.

The Staff Report goes on to assert that the "Marie Canyon site is now considered Lighting Zone 0" (Staff Report at p. 47) and notes that "Dr. Engel states that the significance of this determination is that no ambient lighting is considered appropriate for the subject site." Staff Report at p. 47. However, as Dr. Engle recognizes in her Supplemental Memo, LZ0 is actually associated with a 0.01 fc threshold for trespass impacts. Supplemental Engel Memorandum at p. 4. While it is not entirely clear to us, we are assuming that when the Staff Report states that "no ambient lighting" is considered appropriate for the subject site, it is saying that no ambient light trespass above 0.01 fc is appropriate for the natural areas in vicinity of the Enhanced Recreation Area. *See* James Benya September 26, 2013 "Lighting Analysis and Addendum" p. 3.

D. The Future Location of the Enhanced Recreation Area and Surrounding Areas is Not Properly Categorized as Lighting Zone 0

The Staff Report designation of the Enhanced Recreation Area as LZ0 is arbitrary and capricious. The LZ0 threshold applies to situations where there is no ambient light. The LZ0 classification simply does not describe the location of the Enhanced Recreation Area, which is in a developed and disturbed portion of the Pepperdine Campus where ambient light already exists and is expected even without the field lights. Pepperdine's Campus is not a "wilderness area, park[] [or] preserve, [or] undeveloped rural area[]." *See* Staff Report at 45 (citing the IDA-IES *Model Lighting Ordinance User's Guide* recommended LZ0 uses or areas.)

As detailed in the FKA Memo, the LZ0 classification would apply to areas of pristine landscape far removed from developed or urbanized conditions, not areas at the boundary of development. FKA further notes that the previous version of the IESNA Recommended Threshold, Zone E-1 (used by the EIR to establish the significance threshold) included the following description; "Intrinsically dark, such as a National Park." FKA explains that the addition of the new category LZ0 creates a new lower threshold for areas of "No Ambient Light" such as a National Forest. FKA Memo at p. 3. FKA further explains that the LZ0 classification would be appropriate for areas of pristine landscape far removed from developed or urbanized conditions, not areas at the boundary of "urban-rural (artificial light – natural light)." *Id*.

1. Ambient Conditions at the Future Location of the Enhanced Recreation Area

The Enhanced Recreation Area is within the developed Campus where there are significant levels of lighting in use 24 hours a day and which serves thousands of students, faculty, and staff on a daily basis. The Campus is a 24-hour residential facility, and many student activities, classes, and events are scheduled for late in the evening. Student safety and quality of

life is enhanced and protected by sufficient lighting at the Campus perimeter for access to parking areas, sidewalks, and pathways. Like the existing Intramural Field, the approved Enhanced Recreation Area will be surrounded by developed or other disturbed areas, including the Page Terrace Parking Lot, Huntsinger Circle, other roads and sidewalks, a stock pile and debris basin, and various areas subject to routine fuel modification. Due to this developed location within the Campus complex, ambient lighting conditions in the natural areas near the proposed field **already exceed the LZ0-recommended 0.01 fc standard by as much as a factor of five**, even without taking into account the existing Intramural Field lighting. *See* FKA Memo at Table 1 (reproduced below).

II. Table 1: RECEPTOR SITE ILLUMINANCE WITH EXISTING FIELD LIGHTING OFF				
SPORTS LIGHTING OFF: Field Measurement Data 09-18-2013 (Low Dense Cloud Cover, 9 pm to 11 pm)				
Receptor Site	**Location**	**Description**	**Horizontal FC**	**Vertical FC**
D	East Slope		0.038	0.012
G	West Slope		0.013	0.019
3	West Slope Trail		0.018	0.015
4			0.024	0.025
5			0.021	0.030
SPORTS LIGHTING OFF: Field Measurement Data 10 - 01 -2013 (Clear Sky, Stars Visible, 9 pm to 11 pm)				
Receptor Site	**Location**	**Description**	**Horizontal FC**	**Vertical FC**
20	**Existing Field**	NW Corner	0.010	0.012
21		North Center	0.010	0.012
22		NE Corner	0.009	0.012
23		West Center	0.010	0.018
24		Center	0.010	0.018
25		East Center	0.010	0.018
26		SW Corner	0.013	0.031
27		South Center	0.013	0.031
28		SE Corner	0.015	0.026
30	**0.2 Acre Slope Area**	At NW Boundary on Trail	0.013	0.027
31		Mid-Point Boundary on Slope	0.017	0.038
32		At Trail Aligned with SW Field	0.050	0.013
33		At White Fence	0.013	0.031
34		At South Boundary	0.021	0.030
40	**Marie Canyon**	At Rocks		0.019
41		Trail		0.035
43		Parking	0.469	0.500

50	**Drescher Graduate Campus**	At Pole / Curb	2.020	2.380
51		At Pole 27 ft. from curb	0.262	0.535
52		At Pole 60 ft. at Trail Head	0.132	0.221
53		Between Pole at Curb	0.092	1.240
54		Between Poles 27 ft.	0.126	0.285
55		Between Poles 60 ft.	0.031	0.086

All Data measured with Minolta Illuminance Meter at Grade.

Appropriate Campus Classification Under the New IESNA Guidelines

Based on these existing conditions, FKA has concluded that, based on IESNA's new classification guidelines, the Pepperdine Campus is properly classified as Lighting Zone 3 ("LZ3"), Moderately High Ambient Lighting. LZ3 applies to "[a]reas of human activity where the vision of human residents and users is adapted to moderately high light levels" and lighting "is generally designed for safety, security and/or convenience." *See* FKA Memo at p. 4. The LZ3 threshold corresponds to the existing conditions measured on the Pepperdine Campus and affords a reasonable balance between limiting light trespass and ensuring adequate safety and security. *Id*.

While limiting trespass consistent with the guidelines for LZ3 may be appropriate on Campus generally, due to the Enhanced Recreation Area's location in the vicinity natural areas, FKA still believes that the appropriate threshold to measure potential impacts is 0.1 fc into undisturbed areas. *See* FKA Memo at p. 2. This is consistent with the new IESNA classification guidelines for LZ1, Low Ambient Lighting. LZ1 is described as: "Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline." *See* IESNA Handbook, 10th ed., at p. 26.13.

The University's proposed lighting package for the Enhanced Recreation Area is based on design principles and recommendations by IDA and IESNA to significantly limit and reduce light trespass and to protect the natural areas in the vicinity of the Enhanced Recreation Area from potentially adverse light impacts. These advanced features will prevent light trespass exceeding 0.1 fc in the natural, undisturbed areas in the vicinity of the Enhanced Recreation Area.

ATTACHMENT 3

I. Appropriate Baseline for Analyzing Potential Impacts of the New Lights

Over the past several years, Pepperdine has provided the Commission with substantial evidence that the replacement lights at the existing intramural field ("Proposed Lights") are based on design principles and recommendations by the International Dark Sky Association ("IDA") and the Illuminating Engineering Society of North America ("IESNA") and would significantly limit and reduce light trespass and protect the natural areas in the vicinity of Campus Life Project ("CLP") Component 5 from potentially adverse light impacts. This design will result in a reduction in light trespass in the vicinity of CLP Component 5 when compared to existing conditions. *See*, *e.g.*, Attachment 3A (comparing the before and after lighting impacts at six receptor sites in the vicinity of Component 5). Staff does not refute that there will be an improvement over existing conditions. Instead, in response to evidence of this marked improvement, the Staff Report takes the following provision:

> Thus, regardless of the unpermitted nature of the existing field lights, the complete removal of the existing field and construction of the new pad and substantially larger field constitutes complete redevelopment of the site. Therefore, the Commission must evaluate the new proposed field lighting as new development since the "baseline" of the existing lights cited by Pepperdine is not an appropriate basis for evaluating the proposed Marie Canyon playing field lights []. Staff Report at p. 25.

The Staff does not have, nor does the Staff Report cite, any legal basis for this position. Under the California Environmental Quality Act ("CEQA") (with which the Commission is required to substantively comply in light of its certified regulatory program under CEQA Guidelines Section 15250), the proper environmental baseline is existing conditions on the ground. CEQA Guidelines § 15125(a). *See also Environmental Planning and Information Council v. County of El Dorado*, 131 Cal.App.3d 350 (1982) (holding that an environmental impact report must focus on impacts to the existing environment, not hypothetical situations); *Save Our Peninsula Committee v. Monterey County Bd. Of Supervisors*, 87 Cal.App.4th 99, 121 ("[T]he impacts of the project must be measured against the 'real conditions on the ground'") (quoting *City of Carmel-by-the-Sea v. Board of Supervisors*, 183 Cal.App.3d 229, 246 (1986)). On the ground today is a recreation field with outdated lighting that will be replaced with a new, enhanced field and technologically superior lighting. Even if this were complete "redevelopment," it does not change the fact that these are on the ground conditions, and these on the ground conditions form the proper baseline to review environmental impacts. *See* CEQA Guidelines § 15125(a); s*ee also Environmental Planning and Information Council v. County of El Dorado*, 131 Cal.App.3d 350.

The Staff also states that Pepperdine "is not entitled to rely on unpermitted development as a baseline in support of the approval of proposed new development." Staff Report at p. 25 (citing *LT-WR, L.L.C. v. California Coastal Comm'n* (2007) 152 Cal.App.4th 770, 797). The Staff's position and cited case, however, are inapposite, because Pepperdine's existing field and lights, as explained above, are permitted development, are on the ground, and form the existing

conditions at the site. Therefore, the existing field and lights serve as the proper baseline for analyzing impacts.[1]

The Staff Report's incorrect legal analysis of the baseline is particularly troubling, because the **replacement of the existing field lights will reduce light impacts in the undisturbed areas**. If the Commission does not certify the amendment that will allow Pepperdine to install the Proposed Lights at the approved Enhanced Recreation Area, it would result in Pepperdine having NO lighted outdoor recreational field and it is unclear whether Pepperdine would be allowed to continue using the existing lights.

Regardless, even without considering the baseline of existing uses, Pepperdine's installation of the Proposed Lights will not result in significant adverse impacts to coastal resources and will ensure that LRDP, as amended, remains consistent with all applicable Coastal Act policies.

II. Compliance with California Environmental Quality Act

Substantial evidence supports the conclusion that Amendment 1-11 Part B (the "Amendment"), as submitted by Pepperdine, will not result in significant adverse environmental impacts. The CLP Environmental Impact Report ("EIR") determined that the Proposed Lighting would not result in significant impacts due to the limited light trespass and state-of-the-art design measures that are being incorporated. The EIR's conclusions are further supported by the substantial additional environmental analysis submitted to the Commission over the course of its consideration of the LRDPA 1-11, Part B, including the site-specific environmental analysis prepared by Glenn Lukos Associates, which concludes that no adverse impacts will occur to sensitive species or migratory birds. Because the Amendment will not result in significant adverse environmental impacts, no additional modifications or mitigation measures are necessary. Under CEQA, "[m]itigation measures are not required for effects which are not found to be significant." 14 Cal. Code Regs. § 15126.4(a)(3). We also note that while no significant impacts are expected, as voluntary mitigation for the CLP athletic field lighting, Pepperdine agreed to replace all existing campus globe lights, which would reduce on-campus light with the largest potential to contribute to sky glow by approximately 50%. For all these reasons, the Commission's approval of the Amendment, as submitted by Pepperdine, would comply with CEQA.

III. Pepperdine University's Voluntary Globe Light Replacement

We also note that while no significant impacts are expected, as voluntary mitigation for the Campus Life Project athletic field lighting, and at significant expense to the University,

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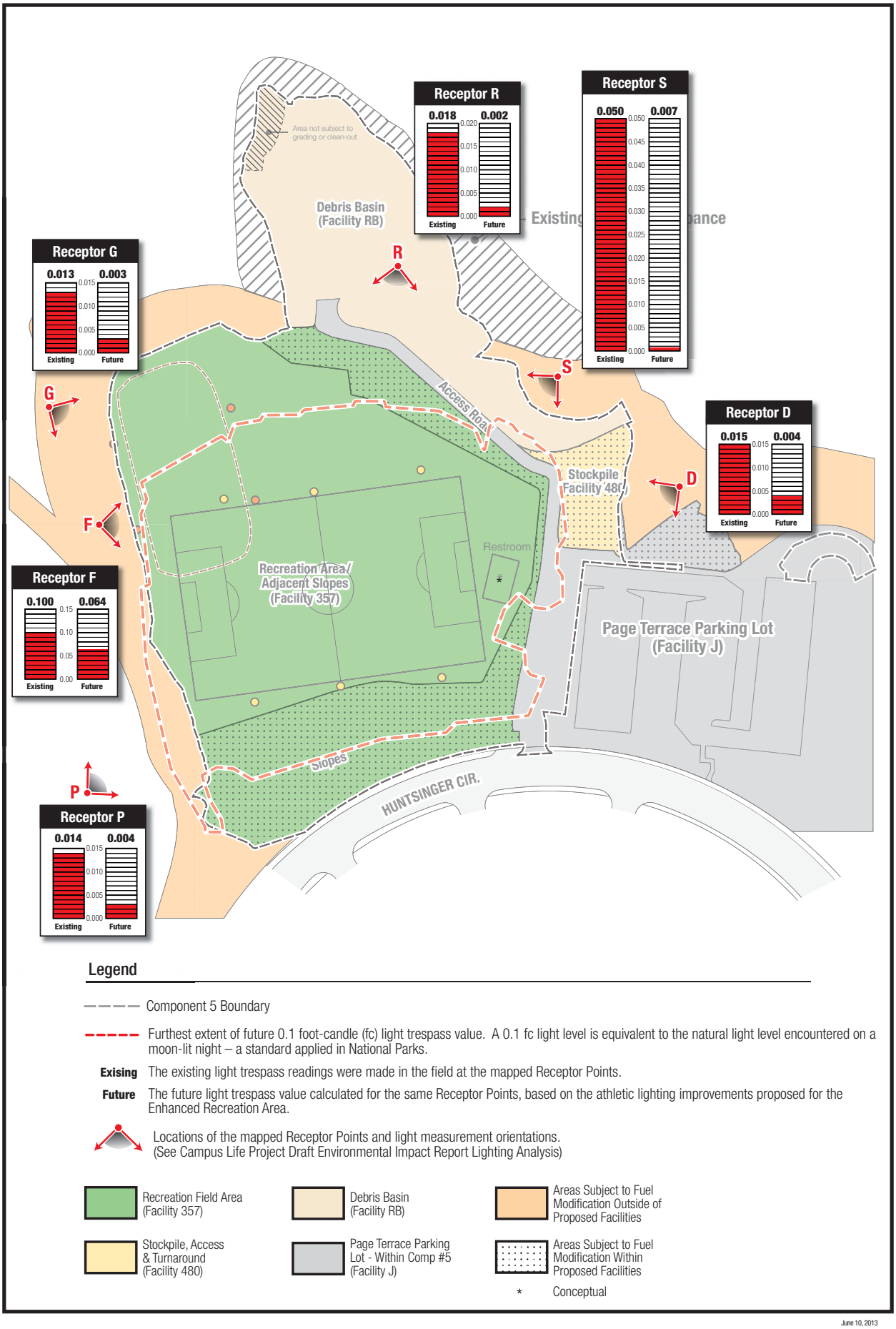
[1] We note that while the existing, on the ground development is legal, even if it were not, California legal authority supports the proposition that the reviewing agency must include existing conditions, even when those conditions have never been reviewed or are unlawful. *See Citizens for East Shore Parks v. State Lands Comm'n* (2011) 202 Cal.App.4th 549, 561; *but see LT-WR, L.L.C. v. California Coastal Comm'n* (2007) 152 Cal.App.4th 770, 797.

Pepperdine agreed to replace all existing clear campus globe lights, which would reduce on-campus light with the largest potential to contribute to sky glow by approximately 50%. Pepperdine voluntarily committed to the globe light replacement in consideration of the proposed implementation of the athletic and recreational field lights. It seems inequitable for the Coastal Commission to now receive the benefit of this voluntary mitigation while denying the very project for which the globe light replacement was intended to mitigate. This is particularly true given the fact that the lights proposed are an improvement over existing conditions, are fully protective of coastal resources, and meet established commission thresholds for lighting impacts.

ATTACHMENT 3A

EXHIBIT C



ATTACHMENT 4

I. THE PROPOSED LIGHTING WILL NOT ADVERSELY IMPACT SENSITIVE RESOURCES

A. EIR and Supplemental Lighting Analysis

As explained above, the Campus Life Project ("CLP") Environmental Impact Report ("EIR") "Technical Lighting Report" (contained in EIR Appendix G) analyzed a variety of factors and took physical measurements at seven "Receptor Sites" in the vicinity of the Enhanced Recreation Area to determine the potential for the replacement lights at the existing intramural field ("Proposed Lights") to result in significant impacts in natural areas. The EIR found that the Proposed Lights at the Enhanced Recreation Area would result in a significant impact if they create light trespass into natural vegetated and/or habitat areas surrounding the Enhanced Recreation Area. In such areas, a measurement of 0.1 foot-candles ("fc") was used to determine significance. The EIR Lighting Analysis evaluated receptor sites surrounding the Enhanced Recreation Area and determined that there would be no significant light trespass or glare into the surrounding undisturbed areas. *See* CLP Final EIR, Topical 2: Lighting. Similarly, after looking at additional questions posted by Staff, a subsequent lighting analysis prepared by Francis Krahe & Associated ("FKA") (the "Supplemental Lighting Analysis") confirmed that the Proposed Lights incorporate design principles and recommendations by the International Dark Sky Association ("IDA") and the Illuminating Engineering Society of North America ("IESNA"), significantly limit and reduce light trespass, and protect the natural areas in the vicinity of the Enhanced Recreation Area from potentially adverse light impacts.

While Pepperdine believes the EIR and Supplemental Lighting Analysis demonstrate that the LRDP as amended will be consistent with Coastal Act policies, to address concerns raised in the Staff Report, Pepperdine engaged Glenn Lukos Associates ("GLA") to conduct a supplemental, site-specific biological analysis. A summary of GLA's findings follows.

B. Supplemental Site-Specific Biological Analysis

GLA undertook a supplemental, site-specific biological analysis to determine the potential impacts of the Proposed Lights at the Enhanced Recreation Area on (1) sensitive biological resources in the vicinity of the lights and (2) migrating birds that may fly over or use portions of the Campus as they travel along the Pacific Flyway. *See* October 2, 2013 GLA Memorandum: "Review of August 23 and September 26, 2013 Memoranda Prepared by Dr. Jonna Engel Addressing Pepperdine's Proposed Athletic Field Lighting (submitted concurrently herewith). In preparing this analysis and forming its conclusions, GLA reviewed the August 23, 2013 *J. Engel & N. Sadrpour memo: Pepperdine University, CLP; Component 5* and September 26, 2013 Supplement (collectively the "Memo"), attached to the Staff Report and, the CLP EIR, the Supplemental Lighting Analysis, along with other available and applicable literature. *See* GLA Memorandum at p. 6. While the EIR concluded that there would be no significant light

trespass impacts based on a 0.1 fc threshold,[1] for purposes of this analysis, GLA looked at the potential impacts of light trespass down to a 0.01 fc threshold. *Id*. at pp. 6-7.

1. Areas Experiencing Greater than 0.01 fc of Light Trespass and Ambient Conditions

As modeled by FKA, light trespass of 0.01 fc would be almost fully contained within the disturbed and developed areas of the Enhanced Recreation Area *See* October 2, 2013 FKA Memo: Review of August 23 and September 26, 2013 Memoranda Prepared by Dr. Jonna Engel Addressing Pepperdine's Proposed Athletic Field Lighting (submitted concurrently herewith). Only 0.2 acres of undistributed scrub, located on the slope between the current intramural field and the Drescher Graduate Campus (referred to herein as the "Western Slope") exhibited illuminance values between 0.09 and 0.01 fc. Currently, and without taking into account the existing intramural field lights, light trespass along various locations on the Western Slope is measured at levels between 0.015 to 0.050 fc. *See* FKA Memo at p. 8. Based on these ambient conditions, FKA has concluded that any potential light trespass that may occur in approximately 0.2 acres of undisturbed scrub to southwest of the Enhanced Recreation Area would generally be consistent with existing, ambient lighting along the Western Slope.

2. Individual Species Analysis

With this understanding, GLA analyzed the possible impacts of the Proposed Lights on over a dozen species that may occur in the area surrounding the Enhanced Recreation Area. GLA notes that many, if not most, of the species that occupy the area are urban-adapted and acclimated to some level of artificial light trespass. For each species, GLA concluded that the Proposed Lights would result in no adverse effects, including no likelihood of lit area avoidance, disorientation, disruption of foraging patterns, disruption of biological clocks, disruption of reproduction, or disruption of dispersal. *See* GLA Memorandum at pp. 8-15. GLA's summary is included below in Table 1.

[1] As explained below, based on the Enhanced Recreation Area's location within a generally developed and disturbed area of campus, in conjunction with the types of plant, animal, and avian resources in the area, GLA acknowledges the selection of the 0.1 fc significance threshold in the EIR and notes that it has used the 0.1 fc threshold to determine the potential for significant impacts in projects before the Coastal Commission matters in the past, as discussed above in Section VI.A.3. GLA noted that Dr. Engel herself has previously determined that a 0.1 fc threshold is appropriate for sensitive resources areas. *See* Dr. Engel Memo re Malibu High School Athletic Field Lighting at p. 8 (September 22, 2011) ("[T]he significance threshold for spill light upon sensitive resources is 0.1 foot-candles at any receptor location.").

Table 1: Summary of Potential Effects on Species or Group

Species or group	Lit area avoidance	Disorientation	Disruption of foraging patterns	Increased predation risk	Disruption of biological clocks	Disruption of dispersal
Mt. Lion	No effect	No effect	No effect	No effect	No effect	No effect
Mule deer	No effect	No effect	No effect	No effect	No effect	No effect
Coyote	No effect	No effect	No effect	No effect	No effect	No effect
Bobcat	No effect	No effect	No effect	No effect	No effect	No effect
Raccoon	No effect	No effect	No effect	No effect	No effect	No effect
Small mammals	No effect	Potentially limited but not significant	Potentially limited but not significant	Potentially limited but not significant	No effect	No effect
Reptiles	No effect	No effect	No effect	No effect	No effect	No effect
Amphibians	No effect	No effect	No effect	No effect	No effect	No effect
Raptors	No effect	No effect	No effect	No effect	No effect	No effect
Owls	No effect	No effect	No effect	No effect	No effect	No effect
Songbirds	No effect	No effect	No effect	No effect	No effect	No effect
Migratory Birds	No effect	No effect	N/A	N/A	N/A	No effect

In rejecting the conclusion reached by Dr. Engle in her August 23, 2013 Memorandum, GLA notes that "it appears that the Memo assumes essentially zero light trespass or sky glow under existing conditions resulting in a conclusion that 0.01 fc is an appropriate threshold." *See* GLA Memorandum at p. 7. GLA goes on to note that because trespass levels of 0.030 fc occur under existing conditions (without the field lights) that have been in place for decades, it can be assumed that animals that occur within the area have become adapted to or are habituated to these conditions. GLA also noted that, with respect to the 0.2 acre area on the Western Slope, the animals that occupy that area and the surrounding slopes are already adapted or habituated to the existing sky glow and/or light trespass conditions.

GLA concluded that there was a potential for impacts on small mammals, but that the potential effects (such as changes to circadian rhythms) have not been documented in wild populations and can only be extrapolated from intense lighting in laboratory bred animals (thousands of times higher than expected on the Western Slope). GLA also concluded that other potential effects such as disruption of foraging patterns would be mitigated for this setting by the fact that animals occurring within the 0.2 acre area or adjacent areas are already adapted to the existing conditions, and when the actual changes are considered (decreased sky glow and very limited changes to light trespass) it is not possible to identify a significant impact.

3. No Significant Impacts to Migratory Birds

With respect to migratory birds, GLA notes that the area surrounding the Enhanced Recreation Area has very low to no stop-over value for migrating birds. GLA also notes many of the migrating birds that pass through the area are only active during the day, and night-migrating birds will be unaffected due to their normal flight patterns and the proposed lighting design. For night-migrating birds, GLA observes that the Memo's main concern relative to migrating birds appears to be the potential for the lighting to cause night-migrating birds to become confused and attracted to the lights during inclement weather or foggy weather. Staff Report at p. 30. In response, GLA notes that fall migration occurs almost entirely outside of the rainy season (which begins October 15), leaving little opportunity for potential impacts during the fall migration period. Furthermore, during periods of rainfall, the intramural field would not be in use and the lights would not be turned on, so potentially adverse impacts would be limited. More importantly, GLA determined that the types of lights that typically create problems of disorientation for songbirds are lights installed on tall towers (*e.g.*, hundreds of feet tall) that are purposefully shined into the sky as beacons or warning lights, and that Pepperdine's proposed lighting will be well-shielded and pointed toward the ground and would not pose a similar risk.

Finally, GLA notes that with implementation of the lighting component of the CLP, according to FKA, there will be an approximately 50% reduction of lighting most likely to contribute to sky glow, reducing potential impacts on migrating birds. This approximate 50% reduction, which includes the Proposed Lights, also includes a design that substantially reduces light from the Proposed Lights reaching the altitudes at which most night migrants are flying (*e.g.*, 2,000 to 4,000 feet), such that GLA concludes that there would be no impacts on migrating birds and, in fact, the Proposed Lights would result in better conditions for migrating birds than the existing conditions.

C. Consistency with Coastal Act Environmental Sensitive Habitat Area Polices

The area surrounding the Enhanced Recreation Area generally consists of areas lacking native habitat with the exception of a small patch or disturbed mulefat scrub in the upper portions of the debris basin. Overall, the areas include parking areas, soil stockpile areas, turf grass areas/athletic field, slopes with a predominance of non-native species, the regularly maintained debris basin, and fuel modification areas. The surrounding slopes within the adjacent undisturbed areas support a mosaic of chaparral types and areas with a mix of large chaparral species mixed with species more typical of coastal sage scrub. The Proposed Lights will focus light such that light trespass will be almost fully contained with the other developed and disturbed areas in the vicinity of the field. While light trespass between 0.09 and 0.01 fc may occur in approximately 0.2 acres of undisturbed scrub to the southwest of the Enhanced Recreation Area, illuminance at this level is generally consistent with and even below background light values in the area and as such is not expected to adversely impact plants and animals, including avian resources identified or expected in the vicinity of the proposed field. In conclusion, because the Proposed Lights will improve existing conditions in the vicinity of the field and will not result in significant adverse impacts to sensitive species or habitat, the LRDP, as amended, is consistent with the Coastal Act's environmentally sensitive habitat areas ("ESHA") policies.

II. The Proposed Lighting Will Not Adversely Impact Other Coastal Resources

A. There Will Not Be Significant Visual Impacts from Trails in the Vicinity of Campus

The Proposed Lights' fixtures are fully protective of scenic and visual qualities and will ensure that LRDP, as amended, will be fully consistent with the Coastal Act's visual resources policies set forth in Public Resources Code Section 30251. The Proposed Lights are located in the developed Campus core well away from the coast. The University presented evidence in the form of comprehensive visual simulations that the light fixtures will not be visible from Malibu Canyon Road, Pacific Coast Highway, or the Santa Monica Mountains Conservancy-Owned Malibu Bluffs.

While intermittent locations along the trails north of Campus will provide some limited visibility of the lights, these views will not result in significant visual impacts. Specifically, the lights are not at all visible from the east-west alignment of the Backbone Trail System or from the portion of the trail that dips southerly toward Mesa Peak. Further, visibility of the proposed fixtures is restricted to only a few locations along the combined Mesa Peak-Coastal Slope trail. In total, the Proposed Lights would only be visible intermittently for less than 4% of the 4.1 miles that comprise the combined trails in the immediate project vicinity, 0.49% (less than 1%) of the entire route of the Coastal Slope Trail, and 5.97% of the entire route of the much shorter Mesa Peak Trail. Further, neither the surface level of the Enhanced Recreation Area nor the Proposed Lights' poles on it would intrude into, nor block views of scenic coastal or shoreline features of the ocean horizon. Finally, wherever intermittent views of the Proposed Lights will occur, the Campus core and other area development will be visible, so the Proposed Lights will be consistent with the context and would not change the nature or quality of the view from the trails.

In summary, the Proposed Lights will not be visible from scenic highways and roadways, state and federal lands, the Malibu Bluffs Community Park, or the uncombined sections of the Mesa Peak and Coastal Slope Trails. While the Proposed Lights are potentially visible from limited segments along the Combined Coastal Slope/Mesa Peak Trail section from a significant distance and change in elevation, this does not change the view experience in any significant way.

B. There Will Not Be Significant Impacts to Other Coastal Resources from Sky Glow

The Staff Report makes a variety of claims related to the expected increase in sky glow from the Proposed Lights, and indicates that, because of those impacts, the LRDP, as proposed, would not be consistent with the visual resources and public coastal access and recreation. Staff Report at pp. 35-47. The Staff Report's conclusions in this regard are not based on substantial evidence. The hooding of the Proposed Lights would preclude any direct sky-glow emanating from any of the poles and grassed field surfaces that would be lit would not be highly reflective. The elevations and distances of the potential views would also assure that visibility of light beams emanating from the fixtures would fall within a field of vision defined by the night

lighting on the rest of the developed Campus. The Proposed Lights' poles would not be elevated high enough to allow any amount of light emitted from them to intrude into the dark background sky horizon or into the dark unlit landscapes that occur south of the campus consisting of the grassy slopes along PCH and the dark landscapes beyond PCH.

Furthermore, the Proposed Lights are based on design principles and recommendations provided by the IDA and IESNA to prevent or minimize all forms of light pollution, including sky glow. Such practices include the use of cutoff and shielded fixtures to prevent light from being directed into the sky or to neighboring properties. Specifically, Proposed Lighting has been designed based on IESNA and IDA recommendations for the reduction of light pollution (sky glow) and include the following:

1. Limit flux (light emitted from fixture) above horizontal with the use of cutoff and shielded luminaires.

2. Minimize non-target illumination. All proposed luminaires are aimed downward or restrict light onto illuminated surface (such as a field of play or sign) to restrict the amount of light escaping into the night sky.

3. Reduce outdoor light levels during times of low use.

Because the existing area and sports lighting are not shielded, the implementation of the design criteria would align Pepperdine more with the design standards associated with dark sky and improve the overall lighting environment. The Proposed Lighting design will also provide enhanced visibility of skyline, ridgeline, and shoreline views. Furthermore, Pepperdine's commitment to replace existing campus globe lighting with cutoff fixtures ensures that the CLP will result in an overall reduction of light impacts from the University and ensure that the LRDP, as amended, is consistent with the Coastal Act visual resource policies.

ATTACHMENT 5

I. LEGAL STATUS OF THE EXISTING INTRAMURAL FIELD AND LIGHTS

Pepperdine strongly disagrees with the Staff Report's assertion that the University sited its existing intramural field ("Intramural Field") and lights ("Existing Lights") without the proper approvals nearly 30 years ago. The Staff Report devotes over 10 pages to a baseless argument that Pepperdine sited the Intramural Field and Existing Lights ("LRDP Facility 357") illegally in 1984, questioning Pepperdine's commitment to regulatory compliance and dismissing the fact that the Commission itself certified the development in 1990, 1998 and 2012. *See* Staff Report at pp. 11-18, 24-27. In actuality, and explained in detail below, LRDP Facility 357 has gone through extensive Commission review over the last 30 years. While the Staff Report appears to take the position that Pepperdine took actions to relocate the former equestrian facility and keep that move hidden from the Commission for a period of decades, in reality, Pepperdine moved its former equestrian facility pursuant to three Commission-issued Coastal Development Permits ("CDP") in the early 1980s (CDP P-80-7325, CDP 5-81-395A, and CDP P-81-7818). These CDPs and the Commission's subsequent actions, including the certification of the LRDP in 1990, the certification of LRDPA 97-2 in 1998, and the approval of the Enhanced Recreation Area in 2012 as part of its certification of LRDPA 1-11, Part A together show **the extensive effort the University undertook to keep the Commission informed and is representative of the University and the Commission's strong historical working relationship with respect to development on the Campus**.

Pepperdine's responses to the Staff Report's specific allegations regarding the legal status of the existing intramural field lights are as follows:

A. Pre-LRDP Coastal Approvals for the Existing Intramural Field

Pepperdine refers to LRDP Facility 357 as its existing "Intramural Field" and former "Equestrian Facility." Prior to the certification of the LRDP in 1990, the University received various approvals from the Commission to develop an equestrian program on Campus. An equestrian facility (consisting of a riding ring and L-shaped stables to the northeast of Huntsinger Circle in the location of the present-day George Page Residential Complex) was approved by the Commission in 1975. *See* Resolution of Approval and Permit: Application Number P-4-24-75-5129 (July 8, 1975).[1]

[1] Based on our discussions with Rick Carroll, Pepperdine University Facilities Ambassador, the University accommodated night riding at the Equestrian Facility through the use of floodlights installed on the stables that were directed to light the riding ring. Mr. Carroll worked at the University at the time this former Equestrian Facility was in use and recalls the facility's nighttime use.

1. Coastal Development Permits Authorizing the Equestrian Facility Re-Location

The University relocated the Equestrian Facility sited northeast of Huntsinger Circle to the current location of the existing Intramural Field, which is northwest of Huntsinger Circle, in the mid-1980s[2] pursuant to the following three Commission approvals:

- **CDP P-80-7325** (Approved November 10, 1980)
- **CDP P-81-7818** (Approved May 4, 1981)
- **CDP 5-81-395A** (Approved November 18, 1981)

While these CDPs expressly permitted the University to relocate the equestrian facility from its former location of the present-day George Page Residential Complex, Staff has taken the position that because the CDPs do not specify the precise location on campus where the equestrian center was proposed for relocation, that the siting of the Equestrian Facility north of Huntsinger Circle was not authorized. *See* Staff Report at p. 13.

At the outset, we note that the Equestrian Facility (now Intramural Field) has been in the same location for three decades, and, as explained in detail below, the Commission has expressly approved and acknowledged Facility 357 in its current location on multiple occasions in the context of the University's LRDP (including most recently in its approval of LRDP Amendment 1-11, Part A). Further, neither Pepperdine nor the Coastal Commission (to our knowledge) have complete and comprehensive files for these 30+ year old CDPs, and the permits that authorized the relocation of the former equestrian center provide very little detail in the project descriptions. The complete CDP project/amendment descriptions follow:

- **P-80-7325 (Development Description)**: *Dismantling of an equestrian center and construction of 116 units of law school and undergraduate student housing, parking spaces for 484 cars, staircases to the University Annex, an electrical distribution building and temporary classroom facility. Application includes a request for approval of allocation of the needed portion of the unused sewage*

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[2] By November 1983, the University had constructed the riding ring on the western side of the basin north of Huntsinger Circle with the associated stables across the street and removed the previous facilities. The equestrian facility became operational in 1983 and the temporary light fixtures were installed around that same time. As we have previously explained, in order to determine when these lights were installed, the University undertook a comprehensive effort interviewing individuals who were either employed at or utilized the facility during that period, including verification from Pepperdine's former director of equestrian education, a current University Facilities & Maintenance employee who personally installed the lights in 1984, and Pepperdine's former Executive Director of Central Plant Operations (now Planning Operations & Construction).

treatment capacity to the proposed facilities. Project is included in the University Land Plan.

- **CDP P-81-7818 (Development Description)**: *Construction of university campus facilities including a heritage hall, music wing, and a visiting professors' duplex, relocation of an equestrian center and expansion of the student housing reception center. These proposals are consistent with the University's Master Plan, previously reviewed and approved by the Commission.*

- **CDP 5-81-395A (Amendment to Permit P-80-7325)**: *Relocate existing equestrian center to be dismantled for 116 unit housing as approved on P-80-7325.*

The very basic CDP development descriptions and the limited/incomplete historical files are a function of the time period in the early 1980s when these permits were processed. For Staff to now accuse Pepperdine of doing something underhanded based on the limited descriptions and incomplete historical files is not appropriate. In what appears to be the only evidentiary support for its position, the Staff Report cites a haul route plan (the "Haul Route Plan") included in its CDP 5-81-395A file as evidence that Pepperdine placed the Equestrian Facility in an unpermitted location. *See* Staff Report at p. 13. However, the referenced Haul Route Plan does not indicate a different site for the relocated equestrian center.

2. Commission-Identified Haul Route Plan and County-Approved Grading Permit

As outlined above, CDP 5-81-395A amended CDP P-80-7325, which, *inter alia*, permitted the dismantling of the equestrian center in the location of the present-day George Page Residential Complex for the construction of 116 units of law school and undergraduate housing. *Ibid*. In its proposed permit amendment, the University requested "approval to deposit fill resulting from construction of the 116 unit law school and undergraduate student housing and adjacent areas and to grade for a new equestrian ring, a pad for a residence and a pad for a Facilities Management structure." *See* Amendment Request Form to Permit No. P-80-7325 (October 1, 1981). The University indicated that it anticipated the need to deposit fill from the construction activities associated with CDP P-80-7325. *Id*.

Staff would have the Commission believe that the relocated equestrian center should have been located somewhere south of Huntsinger Circle based on the Haul Route Plan's identification of four pads that were in fact south of Huntsinger Circle (pads B, C, D and E). However, at the time of the issuance of CDP 5-81-395A, each of these four pads correlated with certain proposed facilities detailed in the "Pepperdine University - Malibu Land Use Site Plan" (a predecessor to the LRDP map) as follows:

- Haul Route Plan Pad B: "Proposed Facilities or Tentative Expansion": Facility 23 – Proposed Student/Staff Housing.

- Haul Route Plan Pad C: "Proposed Facilities or Tentative Expansion": Facility 33 – Administrative Center for Graduate and Professional School and Facility Q – 484 Parking Spaces.

- Haul Route Plan Pad D: "Proposed Facilities or Tentative Expansion": Facility 10A – Maintenance Facility Expansion.

- Haul Route Plan Pad E: "Proposed Facilities or Tentative Expansion": Facility 19 – Proposed Hillside Law School Housing and Facility T – 112 Spaces in a two-level structure under the housing.

It is important to recognize that the Haul Route Plan is not a grading plan and that it was a plan associated with the construction of George Page Residential Complex rather than the Equestrian Facility. It has been interpreted as relevant to the Equestrian Facility by Staff merely because it was located in the same permit file as the Equestrian Facility, which is by virtue of the fact that both the Equestrian Center and the George Page Residential Complex were implemented pursuant to the same CDP. Specifically, the Haul Route Plan shows the areas that would generate cut and receive fill as part of the amendment request. While the relocation of the equestrian facility was contemplated by CDP 5-81-395A, it was not included in the Haul Route Plan as it was not going to generate cut or fill. In other words, the Haul Route Plan does not show the location of the equestrian field, **because grading the equestrian field in its current location north of Huntsinger Circle was not expected to generate cut or receive fill** that needed transporting to another campus location. Stated differently, because the Equestrian Facility was balanced onsite, a fact supported by the Equestrian Facility "as-builts," **there would be no reason to include it in the Haul Route Plan**. Staff acknowledges as much (Staff Report at p. 13), but goes on to allege that "grading would still have needed to be authorized in the permit, which it was not." *Id*. However, none of the permits authorizing the relocation specifically mention or require "grading" for any of the approved facilities, though clearly these facilities required grading for construction. Furthermore, Pepperdine in fact received an as-built grading permit from the County of Los Angeles, the appropriate regulatory agency to review and approve grading permits, in 1987 that shows the facility in its current location north of Huntsinger Circle.

3. Equestrian Facility Lighting

As explained above, prior to the Equestrian Facility's relocation to its existing location northwest of Huntsinger Circle, the Equestrian Facility riding ring was located east of Huntsinger Circle in the location of present-day George Page Residential Complex. As acknowledged in the Staff Report, the former riding ring was lit with floodlights mounted on the L-shaped stables. *See ibid*. at p. 13. These floodlights were regularly utilized for nighttime use of the equestrian center. The lighting at the field is a continuing use. Followings the relocation of the Equestrian Facility pursuant to CDPs P-80-7325, 5-81-395A, and P-81-7818, Pepperdine installed lights at the field (1984). Pepperdine acknowledges that these CDPs do not expressly reference the installed lights, but the equestrian program necessitated the use of lights at the field as evidenced by their use at the previous location of the facility, and the relocation did not change or obviate the need for continued night use of the Equestrian Facility's riding ring.

Further, as evidenced by the text of these same CDPs and discussed above, the level of detail used by the Commission to describe development in the 1980s was vastly different than it is today. The project descriptions for the multiple facilities approved by CDP P-80-7325, CDP 5-81-395A, and CDP P-81-7818 generally include no more information than the name of the facility itself. This is true of the Equestrian Facility as well as all of the other multiple facilities referenced and approved by these CDPs. For example, there is no description other than "heritage hall" for one P-81-7818 approved facility, yet this does not mean the facility was not approved with offices, restrooms, and meeting areas. The limited detail was merely a function of the way CDPs were processed and facilities were described in the early 1980s prior to the approval of the LRDP. Because of this limited detail in the permits, it is not at all surprising that the lighting component of the Equestrian Facility was not included in the project description. Further, despite the limited descriptions provided in CDPs at the time, this CDP included more than just the term equestrian center but instead framed it as the relocation of an existing equestrian center, which would necessarily entail the relocation of all existing uses, including nightlighting of the field. If the interpretation that failure to include descriptions of approved facilities in a CDP were applied to other facilities approved in the 1980s, which routinely did not include such specifics, the results would quickly become absurd. The lack of detail in these historic CDPs should not be interpreted against the University.

Furthermore, the Staff's reference to the Tennis Center CDP (which references lights) is inapposite. The Staff Report's reference to CDP P-4-24-75-5129, and the fact that the Commission approved lighting on certain tennis courts and not others, is inapposite. The University received multiple CDPs in the 1970s and 1980s for facilities with associated lighting that do not spell out the lighting in the permit. The relocated Equestrian Facility was utilized at night, and it is perfectly reasonable to believe that the Commission would expect Pepperdine would continue to offer the night use of the facility when it was relocated. The limited CDP detail does not suggest a different conclusion.

B. LRDP Certification of Existing Facilities

1. Background and LRDP Purpose

The approval of the LRDP by the Commission was intended to provide certainty for the University by establishing an existing baseline of development and conceptual approval for future development at the Malibu Campus. More specifically, the Commission approved all existing on-campus development at the time of its approval of the LRDP. As explained by University President Dr. Andrew Benton (who was directly involved in developing and implementing the LRDP), that certainty was a key objective for the University when preparing the plan. *See* Letter from President Benton to Chair Shallengberger and Honorable Commissioners (October 1, 2013) (attached hereto as Attachment 5A). President Benton further noted that "[t]his understanding was not [Pepperdine's] alone, as the same sentiment was reflected in the actions and statements by Commission staff." *Id*.

This understanding is further reflected in the certified LRDP itself, which provides that "Development at Pepperdine University has been consistent with the goals, policies, rules and regulations of the … California Coastal Commission." The Staff Report curiously states that this,

clear, affirmative LRDP statement "is only general background text, and not a certified LRDP policy, it provides no standard or even guidance that is relevant to evaluating any specific development." Staff Report at p. 14. Not only is the language not "background," it is the Commission-certified description of the state of existing development, which served as a basis for the Commission's determination that Pepperdine's LRDP, as submitted, was consistent with the policies in the Coastal Act.

The Staff Report position appears to be based on a misunderstanding that when the Commission certified the LRDP in 1990, it only certified the LRDP policies, as opposed to the LRDP in its entirety. *See* Staff Report at p. 14. This is not accurate. To the contrary, the Commission found that the "approved Pepperdine University Long Range Development Plan (LRDP) consists of the Pepperdine University Specific Plan, 1982-1997, as revised October 1983 and August 1989." LRDP Findings at p. 7. The 1982-1997 Specific Plan included a "Specific Goals and Policies" section, which included both the description of existing conditions on Campus and the goals and policies for future development. When considering the LRDP in 1989, the Commission offered suggested modifications to the "Specific Goals and Policies (pp. 22-43)" of the Specific Plan (which, again, would become the LRDP) that the Commission "found necessary to bring the Pepperdine University LRDP into conformity with the … polices of the Coastal Act." *Id*. at p. 12. This is logical, as the Commission is tasked, under the Coastal Act, with certifying that the LRDP **in its entirety** (not just its policies) is consistent with Coastal Act's policies. *See* Coastal Act § 30605.

Importantly, in offering the suggested modifications, the Commission **did not offer any modifications** to the description of "Ambient Conditions" on page 28 of the LRDP's Specific Goals and Policies despite the fact that multiple other goals, policies, and ambient conditions in this same section were concurrently modified by the Commission at the time of approval of the LRDP. In leaving this "Ambient Condition" language in place, the Commission certified that the existing facilities constructed on Campus at the time of the LRDP's adoption were "consistent with the goals, policies, rules and regulations of the County of Los Angeles … and the California Coastal Commission." *See* LRDP Policies at IV (New Development) "Ambient Conditions." The language is clearly designed to provide the University with certainty with respect to past development so that it could focus on its long range planning goals. This interpretation is consistent with Dr. Benton's recollection and subsequent Commission actions over the next several years, and further supported by the purpose of the Coastal Act's LRDP provisions.

The University must be able to rely on the approved policies and existing uses in the LRDP, as Coastal Act Section 30605 provides for the LRDP to "promote greater efficiency for the planning of any … state university or college or private University development projects and as an alternative to project-by-project review." *See also* LRDPA 1-99, at p. 5, where the Commission finds: "Particularly for private universities such as Pepperdine, LRDPs allow a greater degree of certainty and specificity as far as planning, budgeting and fundraising for future development projects."

2. The Commission Was Fully Aware of Facility 357 Location When it Certified the LRDP

The Staff Report suggests that Pepperdine somehow "hid" the Equestrian Facility from the Commission at the time of the LRDP's certification. *See* Staff Report at p. 14 ("… nor can it be construed to be a blanket approval for all campus development, in particular development that Pepperdine may have undertaken but did not identify for staff evaluation at the time of LRDP certification."). Staff's allegation is completely without merit. While Pepperdine acknowledges that the initial LRDP map only showed the future location of the Equestrian Facility, the Commission clearly understood that Pepperdine had constructed Facility 357 in its current location north of Huntsinger Circle when it approved the LRDP. In fact, the August 28, 1989 Staff Report on the LRDP expressly states that:

> Since [the denial of Pepperdine's vested rights application] the Coastal Commission has approved further development within the existing graded portion of the campus including student, faculty and staff housing, fine arts theatre, art exhibit halls, heritage hall, **equestrian riding ring located just northwest of the existing graded campus**, music hall, and various parking, sports, security, storage, and temporary trailer uses. *Ibid*. (emphasis added.)

Further, the certified LRDP's "Conceptual Grading Plan" that shows the "L.R.D.P. Units Outside of Existing Developed Area" depicts the graded, built equestrian facility in its current location north of Huntsinger Circle. More importantly, Pepperdine and the Commission together expended extensive effort over many years to develop and analyze the potential impacts of the LRDP. To allege that during this extensive review, Pepperdine managed to keep Facility 357's location a secret is not accurate. Pepperdine reminds the Commission that the University and the Commission jointly defended the certified LRDP in litigation very shortly after its approval in 1990. The Commission summarized the defense of its LRDP decision by stating:

> *The LRDP as modified by the Commission is the product of over seven years of study, preparation, governmental review at both the state and local level, public evaluation, supplemental geologic, grading, traffic, environmental and hydrologic reports, and revision. Every significant environmental point capable of being identified has been analyzed and re-analyzed. Every mitigation measure that would reduce the adverse impacts of the project short of prohibiting the project altogether has been imposed. Further delay would serve no logical purpose. The objective of both the Coastal Act and CEQA is to ensure that government at all levels make decisions with environmental consequences in mind. Those considerations were taken into account by the Commission and incorporated into the certification of the LRDP. The Commission in ultimately approving the LRDP, as substantially modified, complied with both the letter and spirit of the law.*

See Respondent California Coastal Commission Brief, 2d Civil No. B061265, served Jan. 10, 1992, ("Attorney General's Brief"), at pgs. 34-35.

To say that Facility 357 was never identified to Staff, despite the Commission's description of its location in a LRDP Staff Report, its inclusion in the certified LRDP Conceptual Grading Plan, and the fact that the Commission acknowledged, at the time of its consideration of the LRDP, that it had undertook seven years of study and preparation and "analyzed and re-analyzed" every "significant environmental point capable of being identified," is not accurate. Additionally, Facility 357 itself was subject to a LRDP Amendment certified by the Commission eight years later.

3. The Commission Certified Facility in its Current Location in LRDP Amendment 97-2

As part of LRDP Amendment 97-2, the University expressly requested that the Commission certify a proposed LRDP map change "to **accurately reflect the current location of the existing equestrian center including a riding ring and stables**." *See also* LRDP Amendment 97-2 Application at p. 15; *see also id*. at Figure 5 (photograph of the "on the ground" equestrian center (including installed light fixtures) in its current location north of Huntsinger Circle. The Commission's certification of LRDP Amendment 97-2 conclusively dismissed any outstanding concern with Facility 357's legality in its location. Any concern regarding the propriety of Facility 357 in its location and configuration north of Huntsinger Circle would have been resolved by this Amendment.

The Staff Report's curious statement that it is "critical to recognize the distinction between a map correction and actual authorization of a physical facility in a particular geographic location" does not make logical sense and does not find support in law. Staff Report at p. 17. In making its request to retain Facility 357 at its existing location via LRDPA 97-2, the University acknowledged that "the existing location of the equestrian center is most compatible with its surrounding land uses (Marie Canyon Debris Basin, parking lots, a possible future earthen stockpile as discussed herein, open space, and riding trails), and is adequate to support this recreational activity." *Id*. at p. 15. In other words, although the approved LRDP allowed the University to construct a new recreational facility in the undisturbed portion of its Campus north of the Drescher Graduate Campus, Pepperdine chose to utilize its existing approved location within the Campus core. To certify LRDPA 97-2, the Commission needed to conclude that the LRDP, as amended, would be consistent with the applicable Coastal Act policies. To make that certification, the Commission would have to conclude that if Pepperdine left the existing, as built facility in its current location, that such decision would not adversely impact coastal resources. Therefore, in certifying LRDPA 97-2, the Commission certified that the University's environmentally sensitive decision to leave the existing Equestrian Facility in its current location would ensure that the LRDP, as amended, was consistent with the Coastal Act. In making its certification, the Commission expressly recognized that the proposed LRDP map change would "**reflect what currently exists**." LRDP Amendment 97-2 Staff Report at p. 7 (emphasis added).

4. Transition to Current Intramural Field Use

As previously detailed to the Commission, Pepperdine transitioned its Equestrian Facility to an intramural field and the associated horse stables to a maintenance shed in 2000. *See* April

12, 2012 Response to the January 30, 2012 LRDPA 1-11 Notice of Incompletion at p. 5. The Staff makes the following allegation in the Staff Report related to that transition:

> "If the required LRDPA and NOID for the change of equestrian facility use had been brought to the attention of staff, or included in any of the other LRDP map changes, amendments or NOIDS processed by the University thereafter, the proposal to continue and intensify the use of the 1984-vintage arena lights and diesel generator would have triggered the required environmental review. Instead, the lights (and barn) have been used for unauthorized purposes for thirteen years since termination of the equestrian use the lights were installed to serve, without the necessary LRDPA/NOID for such use." Staff Report at p. 18.

Staff misinterprets the LRDP's requirements for new development and disregards the action the Commission took on LRDPA 1-11, Part A in December 2012. First, the improvements that Pepperdine made to the Equestrian Facility and associated stables as part of the transition of the Equestrian Facility to from one recreational use to a less intense form of recreational use and building use did not require Commission review or Notices of Impending Development under the LRDP. *See* LRDP Policy IV.g ("Improvements to an existing structure which (1) involve no risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use in accordance with Section 13253 of the California Code of Regulations.").

5. The Commission Certified Facility in its Current Location in LRDP Amendment 1-11, Part A

Finally, we note that while the Staff Report improperly calls into question the propriety of Facility 357, just 10 months earlier the Commission, **based on Staff's recommendation**, certified Pepperdine's proposal to transition the current Facility 357 to an upgraded "finished flat surface area with grass turf, serving as a dual-purpose, wastewater-irrigated, mowed fire break that includes a 240-ft. x 360-ft. (approximately two acres) recreational sports playing field approved for day use" and "construct restrooms (1,600 sq. ft. building)."

6. Administrative Res Judicata

The Commission, through actions taken in 1990, 1998, and most recently in 2012 (described in detail above), has certified that Pepperdine's LRDP is consistent with the Coastal Act. In these certifications, the Commission has expressly referenced/considered Facility 357 when making its consistency determination. The Staff Report would have the Commission ignore its prior decisions and actions certifying Facility 357, but the Commission is precluded from reversing itself by the law of administrative res judicata.

When the Coastal Commission determines that a proposed long-range development plan conforms to the requirements of the Coastal Act, it functions in an adjudicatory capacity. *See City of Chula Vista v. Superior Court* (1982) 133 Cal.App.3d 472, 485-488 (review of a local coastal plan). When an agency functions in that capacity, its decisions are subject to the doctrine of administrative res judicata. *Mola Development Corp. v. City of Seal Beach* (1997) 57 Cal.App.4th 405. In a 1976 Attorney General opinion, the Attorney General stated:

> The Coastal Commission may not, on the basis of subsequently-received information revoke or modify a permit previously issued, or reconsider the previous denial of a permit, merely because it might have decided the matter differently had the subsequent information been presented at the original hearing. ***The factual determinations of that hearing are conclusive and binding, and the Commission has no jurisdiction or authority to reopen the matter***.
>
> *See* 59 Ops. Cal.Atty.Gen. 123, 128 (1976) (bold italics added).

The principle articulated by the Attorney General in his opinion applies with equal force to any adjudicatory decision by the Commission, including factual determinations made in the administrative adjudication pertaining to a certification that the University's LRDP is consistent with the Coastal Act.

ATTACHMENT 5A

PEPPERDINE UNIVERSITY

OFFICE OF THE PRESIDENT

October 1, 2013

Chair Shallenberger and Honorable Commissioners
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Re: The Role of Pepperdine University's Long Range Development Plan (Agenda Item W11A on the October 2013 Coastal Commission Hearing)

Dear Chair Shallenberger and Honorable Commissioners:

I am writing to address what I see as a significant misunderstanding about the history and purpose of Pepperdine University's Long Range Development Plan ("LRDP") as contained in the California Coastal Commission's September 27, 2013 Staff Report for Pepperdine's proposed LRDP Amendment 1-11, Part B (Agenda Item W11A). Though I am now the president of the University, I have served at Pepperdine since 1984 when I began work on our land use planning efforts. On behalf of the University, I, along with my colleagues, was directly and intimately involved in developing, submitting, processing, and obtaining the ultimate approval of the University's LRDP from the Coastal Commission in 1989, which was subsequently certified in 1990. I continued to work directly with the Commission and its Staff in the subsequent years to process LRDP amendments and Notices of Impending Development. Perhaps given my long history working directly with the Commission and staff, my insight on the role of the LRDP may prove helpful as you consider this current Amendment request, but more importantly, may provide a framework for future collaboration between the Commission and Pepperdine.

The approval of the LRDP by the California Coastal Commission was intended to provide certainty for the University by establishing an existing baseline of development and conceptual approval for future development at the Malibu Campus.

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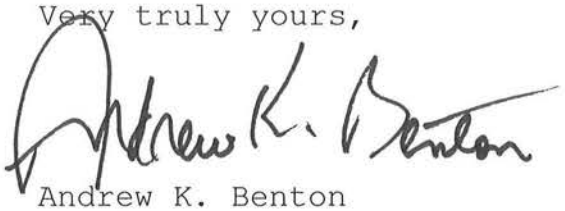
24255 Pacific Coast Highway, Malibu, California 90263-4451
Phone: (310) 506-4451

More specifically, the Commission approved all existing on-campus development at the time of its approval of the LRDP. Indeed, this was a University objective in developing the LRDP. This understanding was not ours alone, as the same sentiment was reflected in the actions and statements by Commission staff preceding, during, and following approval and certification. The seemingly contradictory statements in the current Staff Report, which dismiss the regulatory status of existing development at the time of the LRDP's certification, do not reflect the understanding of the time or the intent of the function of the LRDP.

I am happy to provide further clarification or insight into the history and approval process for the LRDP. I appreciate the Commission's continued working relationship with Pepperdine University and look forward to continuing our relationship as we move forward with the implementation of our LRDP.

Very truly yours,



Andrew K. Benton
President and CEO

ATTACHMENT 6

I. ANALYZED ALTERNATIVES

The Staff suggests that Pepperdine has failed to consider a "variety of alternatives" for expanding the Campus supply of intramural or recreational fields. Staff Report at pp. 48-49. "CEQA does not require analysis of every *imaginable* alternative or mitigation measure; its concern is with *feasible* means of reducing environmental effects." *Concerned Citizens of South Central Los Angeles v. Los Angeles Unified School District* (1994) 24 Cal.App.4th 826, 841 (italics in original). Contrary to Staff's assertion, Pepperdine has considered a reasonable range of alternatives and has concluded that the replacement of the existing lighting at the existing intramural field ("Proposed Lighting") at the Enhanced Recreation Area is the environmentally superior alternative.

In its application for LRDP Amendment 1-11, Pepperdine analyzed alternatives to building an appropriately sized, night-lit field at the site of the approved Enhanced Recreation Area. Pepperdine's analysis looked at four alternatives (including the Enhanced Recreation Area) and concluded that the approved site was the environmentally superior alternative. Two of these alternative sites are located north and west of the developed Campus in the general vicinity of the University's Drescher Graduate Campus. Due to the potentially significant impacts to previously undeveloped areas, among other reasons, these sites were rejected as environmentally inferior to the site of the approved Enhanced Recreation Area.

In addition to the two sites described above, Pepperdine looked at converting its existing, unlit Alumni Park Field to a sufficiently sized, lighted intramural field. While the Staff suggests that Alumni Park could be "recontoured slightly" to provide additional playing field space, such conversion would not be a minor renovation. Staff Report at p. 48. The conversion of Alumni Park would require significant surface grading and a combination of up-slope retaining walls and down-slope fill. In addition, the Staff's assertion that the conversion of Alumni Park would be "environmentally superior" to the Enhanced Recreation Area (*id.* at p. 48) is wholly without support and fails to consider that the Alumni Park conversion would result in a noticeably altered landform visible from Pacific Coast Highway ("PCH"), resulting in potentially significant visual impacts. The improved Alumni Park site would alter views from PCH for visitors traveling north and south and maintain noticeable visual prominence in the area. The northerly foreground grass lawn vistas of the Pepperdine roadside frontage, visible from PCH and adjacent Santa Monica Mountains Conservancy Parklands, would be noticeably altered and daytime visibility of the lighting standards would be more prominent here than in any other Campus location analyzed. Additionally, development of the site would obstruct the views of the prized southeasterly oriented shoreline and ocean views from many locations. For these reasons, the analysis concluded that the Alumni Park alternative was environmentally inferior to the approved Enhanced Recreation Area.

In addition to being environmentally inferior, constructing a night-lit recreation area that meets the Campus Life Project ("CLP") objectives at Alumni Park is also infeasible due to existing critical University needs and uses at the Park. Alumni Park serves as its primary, multi-use outdoor event and gathering space, which means that it is often not available for recreational purposes. Alumni Park is a central component of Campus life and hosts the majority of the University's major outdoor events, including the Movie in the Park, the Dean's BBQ, the

International Fair, Step Forward Day, Wave's Weekend, Senior Week, and the Regent's Scholars Student Board Picnic. Multiple Pepperdine groups, including Alumni Affairs, also hold major annual events at Alumni Park. Alumni Park is the only suitable location on Campus for all of the University's Commencements and hosts each of Pepperdine's five college graduations every spring. Students, faculty, staff and visitors to the Campus are encouraged to use the Park's green space for learning, recreation, and to enjoy views of the Pacific Ocean. Alumni Park also is the most frequently requested campus filming location by production companies due to its expansive grass-meets-sky horizon. Finally, reconfiguring Alumni Park into an intramural/club/recreational area while retaining its central outdoor gathering space functions would result in significantly less active recreation field space than a reconfiguration of the existing intramural field at the Marie Canyon site. As a result of these competing uses and the significant impacts to visual resources, Alumni Park is not a feasible alternative for a night-lit recreation area that meets the University's objectives.

Staff further suggests that two smaller fields could be accommodated within the new recreational area in Marie Canyon rather than one large field. Staff Report at p. 48. Staff does not provide any evidence or analysis to suggest that this configuration would be environmentally superior to the project as proposed, or how this configuration would meet CLP goals and objectives. Pepperdine designed the Enhance Recreation Area so that it could meet the recommended field sizes for offered intramural and club sports. Two smaller fields would not meet this objective.

Table 1: Recommended Field Sizes for Select Intramural and Club Sports

Pepperdine Offered Intramural/Club Sport	**Recommended Field Size**[1]
Soccer	(210 x 345 ft.)
Lacrosse	(201 x 420 ft)
Rugby	(225 x 330 ft)
Ultimate Frisbee	(120 x 360 ft)[2]

Furthermore, the Commission has already concluded in certifying LRDPA 1-11, Part A that the configuration of the approved Enhanced Recreation Area (240 feet by 360 feet) complies with CEQA.[3]

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[1] The National Intramural-Recreational Sports Association promulgates the required minimum field sizes for Soccer, Lacrosse, and Rugby.

[2] USA Ultimate, which is the national governing body for Ultimate Frisbee, promulgates the required minimum field sizes for Ultimate Frisbee.

[3] If the Staff intends to suggest that the two smaller fields would be used only for daytime use, the two-field alternative is not a feasible alternative for a night-lit recreation area that meets the University's objectives.

EXHIBIT 1

MEMORANDUM

GLENN LUKOS ASSOCIATES
Regulatory Services

PROJECT NUMBER: 04760014CAMP

TO: Rick Zbur

FROM: Tony Bomkamp

DATE: October 4, 2013

SUBJECT: Review of August 23 and September 26, 2013 Memoranda Prepared by Dr. Jonna Engel Addressing Pepperdine's Proposed Athletic Field Lighting

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I. OVERVIEW

Glenn Lukos Associates ("GLA") was asked to review the August 23, 2013 *J. Engel & N. Sadrpour memo: Pepperdine University, CLP; Component 5* and its September 26, 2013 Supplement (collectively, the "Memo") ("Memo"), attached to the Coastal Commission's September 27, 2012 Staff Report for Pepperdine University's LRDP Amendment – Part B and undertake a supplemental, site-specific biological analysis to determine the potential impacts of Pepperdine's proposed athletic field lighting at its proposed Enhanced Recreation Field on (1) sensitive biological resources in the vicinity of the lights and (2) migrating birds that may fly over or use portions of the Campus as they travel along the Pacific Flyway.

After review of the Memo and preparing the supplemental analysis outlined below, GLA has concluded the following:

- The Memo's conclusions rely on limited, mostly generalized scientific literature from which speculative conclusions are extrapolated that do not take into account site-specific characteristics or the existing conditions surrounding the proposed light's location within a developed and/or disturbed university campus setting.

- The Memo does not identify how the specific plant, animal, and avifauna present in the vicinity of the campus, (many of which are habituated to a developed, lit environment) would be adversely impacted by operation of the lights.

- The Memo conflates the concepts of visible light (sky glow) and light trespass and in doing so, attributes adverse impacts to ESHA without adequate scientific evidence and without identifying a significance threshold. In this regard, the Memo fails to acknowledge that sky glow from the Campus will actually decrease

(according to an analysis by Francis Krahe & Associates) following the build out of the Campus Life Project.

- Light trespass from the proposed field is almost entirely contained within developed or disturbed areas. Light trespass between 0.09 and 0.01 fc may occur in approximately 0.2 acres of undisturbed scrub to southwest of the proposed field, but illuminance at this level is generally consistent with and even below background light values in the area and as such is not expected to adversely impact the plants and animals, including avian resources identified or expected in the vicinity of the proposed field.

- Songbirds are the only group of avifauna that tend to use the chaparral areas adjacent to the area, but songbirds are only active during daylight hours, and as such, are not expected to be adversely impacted by the low levels of light trespass.

- The area immediately surrounding the lights includes parking areas, soil stockpile areas, turf grass areas/athletic field, slopes with predominantly non-native species, a regularly maintained debris basin, and fuel modification areas. This area exhibits very low to no value for migrating birds.

GLA's detailed review of the Memo and supplemental analysis follows.

II. GLA REVIEW OF DR. ENGEL & N. SADRPOUR MEMO

A. Failure to Consider Ambient Conditions When Analyzing Light Impacts

GLA has consulted on numerous projects in the state of California and has been the biological expert of record many Environmental Impact Reports. In its role in these efforts, GLA is regularly required to apply, and in some cases to establish significance thresholds, which are often tailored for a project based on the unique environmental conditions of that project. Thresholds are based on scientific and factual data which are evaluated in the context of the existing conditions associated with or in the vicinity of the investigated project. While Dr. Engel and Mr. Sadrpour purport to "determine whether night lights would or would not pose a significant adverse impact" at the project site, the Memo does not establishes site- appropriate thresholds that consider ambient conditions in the vicinity of the proposed project to determine whether or not the lights would in fact result in significant impacts to sensitive biological resources. Without a review of ambient site conditions by which to compare impacts, the

Memo's conclusions are speculative[1] and cannot be considered to be based on rigorous scientific analysis.

For example, the Memo discusses potential impacts from night lighting on biological resources and suggests that light trespass thresholds as low as 0.001 fc could impact wildlife. *See* Memo at 14. However, the Memo does not identify which, if any, species would actually be affected by a light trespass at 0.001 fc, or whether or not those affected would be adversely impacted and if so, in what manner the impacts would occur. Further, while the Memo states that the majority of nocturnal animal activity and all crepuscular animal activity tend to occur "just after dusk and just prior to dawn," the Memo fails to address how the proposed lighting could impact that activity in any way. The failure to provide any impact analysis in this regard raises significant questions about the validity of the Memo's conclusion that the impacts are significant or, for that matter, even adverse. Without any species-specific analysis or consideration of ambient conditions, there is no way to determine whether significant adverse impacts of any sort would actually occur. The concern that a report will rely on speculation leading to potentially arbitrary results is precisely the reason why site-specific review of ambient conditions is so important in this type of scientific analysis.

[1] For example, in discussing how the introduction of artificial light can affect trophic levels (i.e., the position that an organism occupies in a food chain), the Memo states: "Trophic levels are dynamic by nature; however, the addition of anthropogenic impacts such artificial night lighting can cause increased fluctuations and unexpected consequences" (*See* Memo at 9). What the Memo does not do, however, is explain whether or not the replacement of the athletic field lighting would be expected to cause any fluctuation or unexpected consequence in trophic levels in the vicinity of the proposed Enhanced Recreation Area. Instead, the Memo only provides blanket statements and unsubstantiated conclusions about potential impacts. Importantly, the Memo does not provide an explanation for the types of fluctuations that may arguably occur or how it is possible to determine whether there are actual impacts if the "consequences" cannot be hypothesized. As detailed below, GLA has analyzed the potential impacts on animals in the vicinity of the proposed lighting, considering the existing levels of sky glow and light trespass as well as the conditions that will be present following implementation of the Campus Life Project which will reduce sky glow and add very minimal light trespass in an extremely small area of undisturbed habitat. When these factors are considered together, GLA concludes that the area species will not experience significant adverse impacts.

B. Light Contrast and "Dome of Light" Impact

The Memo asserts:

> *In our view, regardless of the exact contrast values, the proposed artificial night lights at the Component 5 site will create a large dome of light highly visible to the wildlife inhabiting the immediate slopes around the new intramural field and the greater Marie Canyon watershed area that will disrupt, deter, and disturb their natural behavior and activities. Given the topography of the area, all views of the lighted field from the adjacent habitat will be either looking down or straight-on to the dome of light. This dome of light, especially under inclement conditions, would be the defining feature at night in the Marie Canyon watershed. The effects of night lighting on wildlife are not limited to shining light into the habitat; the effects include the sheer presence of the light. Based on the location of the Component 5 site and our knowledge of the light sensitivity of animals, we find that artificial night lighting at the new intramural field will adversely impact wildlife that occupy ESHA. (See Memo at 15.)*

In reviewing this conclusion, GLA consulted with Francis Krahe & Associates[2] to understand whether or not the proposed lights will in fact create this "large dome of light." In reviewing the letter report from Francis Krahe & Associates dated October 4, 2013, it is clear that the existing condition includes existing sky glow from the larger campus and adjacent developed areas, which is depicted on a site photograph at the top of page 4 of the letter report. On page 4, Francis Krahe & Associates observe that "(w)e believe the appropriate application of the Five Zone Lighting Definition to the Pepperdine Campus and the Campus Life Project would result in Lighting Zone 3, Moderately High Ambient Lighting." The referenced photograph that includes the existing athletic field lighting shows that in fact, the athletic field lighting contributes minimally to the existing sky glow and the proposed lighting will further limit the impacts such that the impacts will be further reduced. The Memo treats the Marie Canyon area as unaffected by sky glow, but, as shown in the Francis Krahe & Associates letter report, this is not the case. Animals that occupy the existing slopes above Marie Canyon are currently exposed to the type of sky glow conditions shown in the photograph on page 4 of the Francis Krahe & Associates letter.

Because the Memo does not consider existing ambient lighting conditions, from a biological perspective, the Memo's conclusion lacks foundation, because, again, the Memo (1) does not consider the replacement of the lights in the context of their location within the developed campus core in an area that has been lit for decades and (2) fails to establish any illuminance

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[2] Francis Krahe & Associates recognized worldwide as an innovative architectural lighting and engineering design firm.

level from which to judge whether or not area animals will be adversely impacted. Indeed, the Memo expressly recognizes that it is not concerned with the "exact contrast values" because, in the researcher's view, "*the Component 5 site will create a large dome of light highly visible*" (see Memo at 15). To reiterate, the Memo fails to recognize that under existing conditions, area animals can already see the existing campus night lighting from the slopes surrounding the proposed athletic field including sky glow under certain conditions. According to Francis Krahe & Associates, the introduction of replacement lighting at the field and the replacement of campus globe lights will actually *reduce* contrast from those slopes when compared with current conditions.

The Memo's conclusions appear entirely based on the premise that the slopes immediately surrounding the proposed intramural field are uniquely dark and not subject to either existing sky glow or light trespass under ambient conditions. This is not the case, as according to Francis Krahe & Associates, light trespass on the Western Slope reaches 0.030 fc under existing conditions (see page 3 of Francis Krahe & Associates letter report) (this light trespass is expected even without considering the existing field lights proposed for replacement). Similarly, measurements within open space east of Baxter Road exhibit 0.030 fc under existing conditions. The modeling for the intramural field lighting shows that in many of these areas, the new lighting will only add between 0.001 and 0.0001 fc to these areas, which would not be a significant increase when evaluated in the context of the current conditions (for example, areas within existing undisturbed areas currently exhibit light trespass values of 0.030 fc, the addition of 0.001 fc would result in total light trespass of 0.031 fc, which cannot be characterized as a significant increase. Indeed, these values remain under 0.1 fc, the threshold for "Lighting Zone 1" ("LZ1"), or conditions with low ambient lighting. Francis Krahe & Associates conclude that LZ1 applies to the hillsides adjacent to the existing field, which are currently illuminated to a low level of light, even without the existing field lights in operation. (*See* page 2 of Francis Krahe & Associates letter report).

C. Memo Conclusions

The Memo concludes:

> *… we have determined that night lights will adversely impact the numerous species of nocturnal, crepuscular, and 24 hour activity pattern animals that occupy the ESHA surrounding the Component 5 site. Significant adverse impacts include* ***lit area avoidance****,* ***disorientation****,* ***disruption of foraging patterns****,* ***increased predation risk****,* ***disruption of biological clocks****,* ***disruption of reproduction****, and* ***disruption of dispersal, to name a few****. Any one or a combination of these impacts can lead to reduced survival and/or an increase in mortality. While the impacts of light trespass and sky glow and glare may be deemed inconsequential*

> *from a human perspective, we believe the impacts of artificial night lights at the Component 5 site* ***will be very significant and adverse from a wildlife perspective****, based on their high sensitivity to light levels and their numerous adaptations to making a living at night.* (*See Memo at 16.)* [Emphasis added.]

As explained above, it is GLA's opinion that the Memo's conclusion only provides a discussion of the types of potential impacts that could occur, but fails to identify any actual specific impacts to a particular species or group of species. In addition, and as noted, the Memo fails to compare potential impacts under ambient conditions with potential impacts under future conditions and provides no evidence that any of these impacts would actually occur, much less evidence that the impacts would be significant under the future conditions.

III. GLA SUPPLEMENTAL BIOLOGICAL REVIEW OF POTENTIAL IMPACTS

A. GLA Approach

In addition to reviewing the Memo's approach and conclusions, GLA was also asked to perform a site-specific biological analysis of the project's potential impacts to area plants and animals, including resident birds, as well as any migratory avian species that may pass the area along the Pacific Flyway. In preparing this analysis and forming its conclusions, GLA reviewed the Memo, Campus Life Project EIR, the supplemental lighting analysis prepared by Francis Krahe & Associates, and the available literature. Importantly, GLA considered the existing or ambient conditions rather than treating the area as if there was no existing sky glow or light trespass already present.

1. Ambient Conditions

In preparing this type of analysis, it important to address the various types of potential impacts in the context of the existing site conditions. In this case, GLA analyzed potential impacts to undisturbed areas in the vicinity of the proposed lighting. While the EIR concluded that there would be no significant light trespass impacts based on a 0.1 fc threshold[3], for purposes of this

[3] As part of its analysis, GLA reviewed the Campus Life Project EIR and prepared this independent evaluation of the appropriate threshold for the site. As explained below, based on the site's location within a generally developed and disturbed area of campus, in conjunction with the types of plant, animal, and avian resources in the area, GLA acknowledges the selection of the 0.1 fc significance threshold in the EIR and notes that it has used the 0.1 fc threshold to determine the potential for significant impacts in projects before the Coastal Commission matters in the past [e.g., Marblehead project in San Clemente]. GLA further notes that Dr. Engel herself

analysis, GLA looked at the potential impacts of light trespass down to a 0.01 fc threshold. As modeled by Francis Krahe & Associates, light trespass of 0.01 fc is almost fully contained within the disturbed and developed areas of the site. Only 0.2 acre of undistributed scrub, located on the slope between the current intramural field and the Drescher Graduate Campus (referred to herein as the "Western Slope") exhibited illuminance values greater than 0.01 fc. Therefore, GLA focused in part its site specific light trespass impacts analysis on this location. In examining whether there would be a significant impact to sensitive species on this Western Slope, GLA started with the ambient lighting baseline condition provided by Francis Krahe & Associates without taking into account the current field lighting proposed for replacement. Currently, and without taking into account the existing intramural field lights, light trespass on the Western Slope is measured at levels between 0.015 to 0.050 fc, as depicted on page 8 of Francis Krahe & Associates letter report and that such trespass levels extend well above the 0.01 fc limit that will result from the future intramural field lighting. Francis Krahe's modeling also shows that light trespass, originating from the future intramural field lighting, beyond the 0.20 acre area of the western slope will generally be less than 0.001 fc, well below the existing light trespass levels from other existing sources as depicted on page 8 of the Francis Krahe & Associates letter. GLA believes that it is critical to the analysis to start with the ambient conditions. While not stated in the Memo, it appears that the Memo assumes essentially zero light trespass or sky glow under existing conditions resulting in a conclusion that 0.01 fc is an appropriate threshold. Based on data collected by Francis Krahe & Associates, this approach in the Memo imposes a threshold that is lower than the existing levels of light trespass that currently reaches at least portions of the surrounding open space.

Given this more realistic baseline information from Francis Krahe & Associates, it is possible to conduct a focused analysis of the proposed lighting's potential impacts on the various species or groups of species active in adjacent areas. Before beginning the analysis, one final consideration needs to be addressed: given that ambient light trespass, under certain common conditions, reach trespass levels of 0.050 fc and because such conditions have been in place for decades, it can be assumed that animals that occur within the area have become adapted to or are habituated to these conditions. In addition to failing to consider the ambient light trespass, the Memo fails to consider that the "baseline" for animals in this area is that of light trespass ranging from 0.015 to 0.050 fc. The baseline is not 0.01 and certainly not a low as 0.001 fc and the animals in the

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has previously determined that a 0.1 fc threshold is appropriate for sensitive resources areas. *See* Dr. Engel Memo re Malibu High School Athletic Filed Lighting at p. 8 (September 22, 2011) ("[T]he significance threshold for spill light upon sensitive resources is 0.1 foot-candles at any receptor location.") Nevertheless, GLA also recognizes and agrees with Dr. Engel that in certain settings, lower thresholds may be appropriate (e.g., 0.01 fc); however, because ambient conditions can reach 0.050 fc on the surrounding slopes, such a threshold cannot be applied in this case due to existing conditions.

surrounding undisturbed areas would be habituated to the current levels, which must be used as the baseline for evaluating potential adverse impacts.

B. Species by Species Analysis

1. Impacts to Mammals

a. Mountain Lions

While the Memo does not identify measurable impacts to mountain lions as a result of project lighting, it implies that the project "effectively decreases the realized range of mountain lions which can limit prey availability, increase necessary travel, and ultimately impact survival success." *See* Memo at 9. The Memo references a "Figure 7" that shows, on at least one occasion, one mountain lion (P01) has visited the Pepperdine's upper campus, Huntsinger Circle, and areas below the proposed Enhanced Recreation Area. In these locations, existing night light trespass that likely ranges from 0.1 to 1.0 fc. Given that mountain lions are active during all parts of the day, there is no evidence to suggest that mountain lions would be measurably affected by the proposed lighting. The actual area affected by between 0.09 fc and 0.01 fc of light trespass (or even 0.001 fc of light trespass) is a 0.2 acres or about 0.0003 percent of a mountain lion's territory. The extremely slight light trespass within the minimal undisturbed area would not be expected to result in any significant impacts, particularly in light of the fact that P01 used portions of the campus subject to far more than 0.1 fc of trespass in the past.[4]

With respect to potential concerns that the new lights could result in disruption of dispersal impacts, it is important to note that the Pepperdine campus already limits the movement of large carnivores to the south in the vicinity of the campus. As it currently exists and will exist in the post-project condition, the campus prevents mountain lions from reaching Pacific Coast Highway, limiting the potential for collisions with automobiles. Because the presence of the campus is an existing condition, the proposed lighting is not likely to affect movement that is already precluded by existing development. Therefore, the project lighting is not expected to result in any additional dispersal impacts.

Finally, due to the existing ambient conditions (trespass levels ranging from 0.015 to 0.050 fc) and the minimal, steep slope of the 0.2 acres of undisturbed habitat (surrounded by disturbed areas on three sides) where between 0.09 and 0.01 fc of light trespass may occur, it is not reasonable to believe that the light will result in disorientation, disruption of foraging patterns,

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[4] In short, the project lighting is not expected to result in impacts to "lit area avoidance" since mountain lions at least on occasion enter into areas of the Pepperdine Campus with existing artificial lighting a levels greater than what is expected in the 0.2 acres of undisturbed habitat in the vicinity of the Enhanced Recreation Field.

increased predation risk, disruption of biological clocks, or disruption of reproduction for mountain lions.

b. Other Large and Medium-Bodied Mammals

(1) Mule Deer

Mule deer can be active during both daytime and nighttime hours with peak activities near dawn and dusk (crepuscular). Mule deer home range size varies depending on the region, habitat quality, season, and distribution of resources. Mean home range size for adult does has been estimated to be 0.3 to 1.2 square miles, while mean home range size for bucks is approximately 1.2 to 4 square miles, but may be as large as 30 square miles.[5] Because these animals are active both during the day and during periods of partial light, the limited area (0.2 acre) with additional light trespass of between 0.09 and 0.01 fc would not affect mule deer. It is also important to note that mule deer become habituated to urban settings: "mule deer occupy any 'edge' habitat, including suburban residential areas."[6] In these settings they typically can be found foraging in gardens and on ornamental vegetation in residential areas where light trespass is common and uncontrolled.

The fact that mule deer are habituated to urban environments (including Pepperdine's developed campus core), combined with the minimal light trespass in an very limited area of non-contiguous, undisturbed habitat, leads GLA to conclude that it is unlikely there will be adverse impacts associated with lit area avoidance, disorientation, disruption of foraging patterns, increased predation risk, disruption of biological clocks, disruption of reproduction, or disruption of dispersal of mule deer.

(2) Coyote

Coyotes are highly urban-adapted, living in wild land and urban areas and at the urban interface and in highly urbanized areas including residential neighborhoods with street lights and other significant artificial lighting, including the Pepperdine campus, where at night they are often observed in well-lit areas.[7] They are also active during both daytime and nighttime hours with peak activities near dawn and dusk (crepuscular).

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[5] National Resources Conservation Service. 1995. *Mule Deer (Odocoileus hemionus*): Fish and Wildlife Habitat Management Leaflet, No. 28.

[6] http://www.qrsoutdoors.com/hunt/species/mule_deer

[7] Rhiannon Bailard, Pepperdine University, Personal Communication, September 2013.

Given that this species is highly adapted to the urban interface, which would typically include significant artificial light trespass, it would not be affected by minimal additional light trespass within adjacent areas, especially given that they already are common on areas of the campus with substantial artificial light. Given these factors, there would be no expected impacts associated with lit area avoidance, disorientation, disruption of foraging patterns, increased predation risk, disruption of biological clocks, disruption of reproduction, or disruption of dispersal.

(3) Bobcat

Bobcats are also urban-adapted, living in wild land and at the urban interface. They are active during both daytime and nighttime hours with peak activities near dawn and dusk (crepuscular). For southern California, Crooks cites home ranges for bobcats varying from 59 acres to 1,379 acres, of which includes developed areas. Riley provides the following estimates of home range size for bobcats:[8]

Bobcat Home Range[9]	**Home Range (acres)** (acres ± standard deviation)	**% Developed Area in**
Males	786 ± 624	10.8
Females	380 ± 352	4.8
Adult males	742 ± 630	12.9
Adult Females	421 ± 441	1.4
Young Males	980 ± 693	2.0
Young Females	318 ± 186	9.6

As such, the potential area affected by a very small amount of additional light trespass accounts for between a few percent of a home range to as small as a few-tenths of one percent.

Given that bobcats are adapted to the urban interface, which would typically include significant artificial light trespass, GLA concludes that bobcats would not be significantly affected by minimal additional light trespass within immediately surrounding areas. There would be no impacts associated with lit area avoidance, disorientation, or disruption of foraging patterns as bobcats are sufficiently urban-adapted and often include developed areas within their home ranges. There would be no increased predation risk given the small size of the area potentially affected, and no disruption of biological clocks, disruption of reproduction, or disruption of

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[8] Crooks, Kevin. Relative Sensitivities of Mammalian Carnivores to Habitat Fragmentation. *Conservation Biology,* Pages 488-502, Volume 16, No. 2, April 2002.

[9] Riley, Seth, R. Sauvajot, T. Fuller, E. York, D. Kamradt, C. Bromley, and R. Wayne, Effects of Urbanization and Habitat Fragmentation on Bobcats and Coyotes in Southern California, *Conservation Biology,* Pages 566-576, Volume 17, No. 2, April 2003.

dispersal, again, because to the urban-adapted character of bobcats and the fact that they often utilize urban areas.

(4) Raccoons

Raccoons are extremely common and highly adapted to the urban environment, often living in residential areas. While they are primarily nocturnal, the fact that they regularly live in residential areas with a variety of night lighting leads GLA to conclude that raccoons would not be affected by minimal light trespass within adjacent areas already affected by light trespass of up to 0.030 fc.

c. Small Mammals

Specifically, nocturnal herbivorous mammals exhibit some potential for adverse effects from night lighting in general. According to Dr. Paul Beier[10]:

> *For small, nocturnal herbivorous mammals, artificial lighting increases the risk of being killed by a predator and decreases food consumption. Such lighting* ***probably*** *also disrupts circadian rhythms and melatonin production of mammals. Most research, however, has documented the response of individual wild animals to moonlight or of laboratory animals to artificial light.* ***Research on how artificial lights affect wild mammals at the population level is lacking***.[11] [Emphasis added]

A number of factors must be considered to determine whether there would be significant impacts to 0.2 acre of undisturbed areas where there may be additional light trespass of between 0.09 fc and 0.01 fc over existing conditions. Decreased food consumption was observed in small mammals under street lights along roadways, which is not the condition for the 0.2 acre area where estimated existing light trespass of 0.015 to 0.050 fc would be increased by between 0.09 and 0.01 fc (for comparison, light directly underneath street lights would range from 0.1 to 2.0 fc). The minimal fc increase would reach the vegetation canopy; however, in this area, the vegetation high capacity for localized "screening" effects, reducing light spillage at the ground surface to the range of approximately 0.0025 fc, which falls well below the typical full moon under which the observations were made. As such, GLA concludes that there would be little if any change in the fitness of small mammals in the 0.2 acre patch. The screening effect of the

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[10] Dr. Paul Beier is a Regents' Professor at Northern Arizona University and an expert in wildlife movement.

[11] Beier, Paul. 2006. "Effects of Artificial Night Lighting on Terrestrial Mammals", p. 37.

vegetation would also reduce potential effects of predation, resulting in no measurable impact on the small mammals from increased predation.

The Memo notes potential effects on circadian rhythms; however, no specific impacts are identified by the Memo. For this specific project, a determination that the proposed light trespass at or below 0.01 fc would affect circadian rhythms is not supported by the scientific literature. Beier reports that changes in circadian rhythms were effected in laboratory animals by introducing light pulses of about 1,000 lux (described by Dr. Beier as "moderately bright" or "bright twilight"), which is about 100 times brighter than areas with 0.09 fc and 1000 times brighter than areas with 0.01 fc of light trespass expected within the 0.2 acre area. Application of such laboratory experiments cannot be extrapolated to the current project, where the light levels would be much lower and with the screening effects of the vegetation would be at levels orders of magnitudes below the light pulses used in the laboratory.

Furthermore, according to Dr. Beier, changes in circadian rhythms can increase melatonin levels. Two points are noteworthy in this regard when looking at potential site specific impacts to small mammals. First, the same screening effects above would also limit any potential effects impacts to circadian rhythms, given the high levels of light required to cause potential any impacts since this effect is tied directly to changes in circadian rhythms. More importantly, on page 32, Beier notes that all of the evidence for the impacts of light on circadian rhythms in small mammals is derived from laboratory experiments and that "there is no confirmation of these effects in wild populations." For this reason, relative to small mammals, the conclusion of the Memo that there would be very significant impacts to ESHA are not well-founded and cannot be sustained by any evidence and the only available science shows that the levels of light needed to cause impacts are orders of magnitude higher than trespass increase of 0.09 fc and 0.01 fc associated with the project and this only occurs within a 0.2 acre area. Based on existing science and the very low levels of potential increased light trespass in the 0.2 acres of undisturbed area, GLA concludes that there would be no expected adverse impacts to circadian rhythms of small mammals.

d. Reptiles and Amphibians

(1) Reptiles

Reptiles observed on the site or reported as expected include very common species such as the western fence lizard and southern alligator lizard, which are highly adapted to the urban environment and as such thrive in areas with artificial light such as lighting around houses, street lights, etc., and would not be affected by the low levels of increase (0.09 fc and 0.01 fc) of light trespass associated with the proposed lighting. The Website "California Herps.com" notes that southern alligator lizards are common in yards and often found in garages. As such, these reptiles would not be affected by the very low levels of light trespass associated with the project. The side-blotched lizard, which is very common and strictly diurnal, would be sheltered at night under rocks or in burrows and would not be affected by the low-levels light associated with the

project. The western skink is also diurnal and at night shelters under rocks or in extensive burrows and as such would not be affected by the low level increase (between 0.09 fc and 0.01 fc or less) of light trespass.

Coast whiptail lizard is another diurnal lizard species with potential to occur in the project including the chaparral habitat as they prefer dense vegetation for cover while foraging throughout the day. These lizards shelter in burrows and under plant debris at night and as such would not be affected by low level increase (between 0.09 fc and 0.01 fc or less) of light trespass.

The striped racer is diurnal and would not be affected by the project. The gopher snake is diurnal and occasionally active at night during warm weather. These snakes are very common, highly urban-adapted, frequently seen around human dwellings, including suburban backyards, attracted to the rodents which thrive in such areas. Because these snakes are diurnal, or mostly diurnal, they would not interact with or prey upon nocturnal species including small mammals or reptiles. The California (common) king snake is common and is active both during day, dusk and at night and occupies a wide range of habitats including areas of brush at the urban interface. Their adaptability is high and would not be affected by the low level of light trespass.

The western patch-nose snake and racer are two snake species not detected or mentioned as potentially occurring, but which have potential to occur within or adjacent to the project. Western patch-nose snakes occur in coastal chaparral while the racer may occur in more open canopy habitat moving in and out of cover while hunting. Both species are predominantly diurnal and would not be affected by light associated with the project.

All of the species mentioned in the above paragraphs are either strictly diurnal, taking shelter at night away from predators such that GLA concludes that there would be no impacts associated with lit area avoidance, disorientation, disruption of foraging patterns, increased predation risk, disruption of biological clocks, disruption of reproduction, or disruption of dispersal.

The Pacific rattlesnake is primarily nocturnal or crepuscular; however they are also active during daytime, especially when temperatures are not high. The areas where light trespass increases between 0.09 fc and 0.01 fc is limited to the 0.2 acre area immediately adjacent to the current field and below the graduate campus. This area already receives light trespass, ranging from approximately 0.015 to 0.050 fc; however, screening from the dense vegetation is such that at ground levels, the excess light would be lowered by an order of magnitude in areas with dense vegetation. This would substantially limit any advantage over prey (*e.g.*, small mammals or reptiles) due to minimal increase in light trespass. The dense vegetation in the 0.2 acre area, where the increase would be highest also makes it very difficult for nocturnal predators such as owls to hunt for snakes of any kind in this area such that predation by owls would not be changed by the project as it is already low in this area.

The western black-headed snake is a nocturnal snake species that has potential to occur within the project. This species is very small, secretive and feeds primarily on invertebrates. The western black-headed snake spends much of its life underground including during hunting for common prey such as millipedes and centipedes. This species typically only emerges after evening rains, times when the athletic field would not likely be in use, further limiting potential impacts.

(2) Amphibians

One amphibian species, the Pacific chorus frog, was recorded in the Component 5 Area, although the California toad may also occur. Breeding habitat is limited because the Marie Canyon basin is designed to drain quickly so that standing water would not be present for a sufficient duration for breeding during most years. Even if breeding were to occur, the area is not ESHA. Therefore, GLA concludes that there would be no impacts to ESHA associated with breeding amphibians. There also may be in-stream pools in the upper portions of Marie Canyon; however, such pools would be well beyond the area of the 0.01 fc impact increase and therefore would not be affected by the project.

e. Raptors and Owls

(1) Raptors

Raptors, including the Red-tailed hawk, Cooper's hawk, and American Kestrel are diurnal and sometimes crepuscular, but not nocturnal. Because raptors only forage during periods of sufficient light, GLA concludes that there would be no effect on these species relative to foraging. Furthermore, the 0.2 acre area affected by the 0.09 fc and 0.01 fc light trespass increase contains no suitable breeding habitat for these species such that GLA concludes that there would be no expected adverse impacts to breeding habitat.

(2) Owls

Owls, including the barn owl and great-horned owl, are generally urban adapted, residing in parks and residential neighborhoods where night lighting is fairly common. The barn owl hunts open areas at night and the dense chaparral associated with the 0.2 acre area is not suitable for barn owl foraging. Similarly, the great-horned owl, which is both nocturnal and crepuscular, would not generally forage in the dense chaparral within the 0.2 acre area affected by minimal light trespass increase. Therefore, GLA concludes that there would be no expected adverse impacts on these species.

(3) Songbirds

A variety of songbirds were listed that occur within Component 5 Area and adjacent the ESHA. All these, with the exception of the common poorwill, are diurnal and therefore would not be affected in any way by the potential light spillage, including within the 0.2 acre area where the light trespass may increase by between 0.09 and 0.01 fc. Furthermore, scrub-nesting birds that could potentially use these areas are highly skilled at concealing nests from predators even during daylight hours. As such, the exiting light trespass and minimal increases would not have potential for increasing nest predation.

It is also important to note that many of the avian species listed in the Memo or that are otherwise expected to occur within the ESHA exhibit a range of adaptations to the urban environment with many common within the urban setting. Species such as the California towhee, killdeer, Anna's and Allen's hummingbirds, and northern flicker are known to breed in residential areas. Therefore, GLA concludes that they would be unaffected by the limited light trespass based on their ability to use areas affected by artificial light. For other species observed, such as Nuttall's woodpecker, there is no suitable breeding habitat within the 0.2 acre area of undisturbed area where the 0.09 to 0.01 fc increase would occur, or in the other immediate undisturbed areas. Therefore, GLA concludes that there would be no expected new adverse impacts.

a. Avian Species Conclusions

For all of the avian species and groups of species noted above, GLA concludes that there would be no expected new adverse impacts associated with lit area avoidance, disorientation, disruption of foraging patterns, increased predation risk, disruption of biological clocks, disruption of reproduction, or disruption of dispersal.

As noted, the common poorwill is nocturnal; however, its preferred habitat including for nesting is open areas around rocky outcrops. There is no suitable habitat for this species within the 0.2 acre area or on the Western Slope. Because this species is a nocturnal insectivore, preying typically on large moths, it may benefit from the artificial lighting and the associated attraction of large moths; however, this is at best a possibility. There are no potential adverse impacts to this species.

f. Avian Migration

The Memo includes a discussion of potential impacts to migrating birds from the proposed lighting, but fails to identify impacts to specific species are not identified; rather, the most that can be asserted is that the "Component 5 site and surroundings **may be used** by migratory birds as a stopover site because the intramural field turf and Marie Creek and the associated riparian

habitat would be attractive to migrating birds that need to rest." (see Memo p. 12) In considering potential impacts to migrating birds, the Memo brings up two specific and unrelated issues. The first issue is whether the Component 5 site and surrounding ESHA would be an important stopover for migrating birds. The second issue, which is not related to the presence of ESHA, is whether the lights would have a measurable effect on migrating birds.

(1) Use of the Component 5 Site by Migrating Birds

The Component 5 site consist of areas lacking native habitat with the exception of a small patch or disturbed mulefat scrub in the upper portions of the debris basin. Overall the areas include parking areas, soil stockpile areas, turf grass areas/athletic field, slopes with a predominance of non-native species, the regularly maintained debris basin, and fuel modification areas. This portion of the campus exhibits essentially very low to no value for migrating birds. The Memo recognizes the low value of this area and concurs that there is no ESHA within these areas.

The surrounding slopes within the adjacent undisturbed areas support a mosaic of chaparral types and areas with a mix of large chaparral species mixed with species more typical of coastal sage scrub. Of the four groups of migrating birds noted on page 11 of the Memo, there is no suitable habitat for water fowl or shorebirds within these areas. As such, GLA concludes that there is no potential for impacts to these groups of species by the proposed lighting for the athletic field.

Raptors migrate during the day so that they can take advantage of thermals, which allow them to conserve energy in migration. In addition, the chaparral exhibits marginal foraging opportunities even during daylight hours. GLA concludes that there are no potential impacts to migrating raptors associated with the athletic field lighting due to their daytime migration and the area's suboptimal foraging habitat.

Songbirds are the only group of avifauna that would use the chaparral areas adjacent to the Component 5 Area. Songbirds are only active during daylight hours. While the chaparral would be used by species that forage in or inhabit scrub (e.g., white-crowned sparrow, orange-crowned sparrow), the majority of migrating songbirds would search out more forested areas, including areas such as nearby Malibu Creek, that support extensive areas of willow riparian habitat. Such habitat would attract the majority of migrants, as would large stands of oaks or even eucalyptus trees in the area, which are visited by species including the yellow-rumped warbler, Townsend's warbler and Pacific slope flycatcher. Because migrating songbirds actively forage during the day, they would not be affected by the limited light trespass within the 0.2 acre of the undisturbed area subject to that minimal potential light trespass.

(2) Effects of Artificial Light on Night-Migrating Birds

The Memo's main concern relative to migrating birds appears to be the potential for the lighting to cause night-migrating birds to become confused and attracted to the lights during inclement weather or foggy weather. Given that fall migration occurs almost entirely outside of the rainy season (which begins October 15), there would be little opportunity for potential impacts during the fall migration period. Furthermore, during periods of rainfall, the intramural field would not be in use and the lights would not be turned on, limiting any potential adverse effects. More importantly, the types of lights that typically create problems of disorientation for songbirds are lights installed on tall towers (e.g., hundreds of feet tall) that are purposefully shined into the sky as beacons or warning lights. Pepperdine's proposed lighting will be well-shielded and pointed toward the ground.

Similarly, spring migration occurs during the last part of the rainy season, from late March to April 15. As noted for the fall migration, during the few periods of inclement weather that occur during the period of spring migration, the athletic field and associated lights would not be in use, such that there would be very limited potential for impacts.

More importantly, with implementation of the lighting component of the Campus Life Project, according to Francis Krahe & Associates there will be an approximately 50-percent reduction of lighting most likely to contributed to sky glow, reducing potential impacts on migrating birds. This approximate 50-percent reduction, which includes the proposed intramural field lights, also includes a design that substantially reduces light from the athletic field lights reaching the altitudes at which most night migrants are flying (*e.g.* 2,000 to 4,000 feet), such that GLA concludes that there would be no impacts on migrating birds and in fact, the project would result in better conditions for migrating birds than the existing conditions.

IV. CONCLUSIONS

While the conclusion on page 16 of the Memo finds that the impacts of the light trespass and skyglow would be "very significant", when it is evaluated on a species-by-species or group-by-group level, there is no evidence to support such a conclusion. This is based on a number of factors. First, as noted throughout this evaluation, the existing or ambient conditions are the only acceptable baseline for evaluating impacts. The 0.2-acre area on the western slope that will be minimally affected by light trespass from the proposed intramural field lights as well as surrounding areas on the slopes already exhibit higher light trespass values such that this is the only scientifically valid baseline for determining future impacts. Furthermore, this baseline must consider that the animals that occupy the 0.2-acre area and the surrounding slopes are already adapted or habituated to the existing sky glow and/or light trespass conditions.

Second, as detailed above, certain groups are largely diurnal (e.g., reptiles, songbirds, raptors) and would not be affected by the minimal increases in light trespass from the intramural field lights. Third, many of these species are also highly adapted to the urban/residential environment while others function very well at the urban/wildland interface and are also adapted to light trespass.

The group with at least some potential for impacts is the small mammals (e.g., mice and rats); however, potential effects such as changes to circadian rhythms have not been documented in wild populations and can only be extrapolated from intense lighting in laboratory bred animals. Other potential effects such as disruption of foraging patterns; while potential, is mitigated for this setting by the fact that animals occurring within the 0.2 acre area or adjacent areas are already adapted to the existing conditions, and when the actual changes are considered (decreased sky glow and very limited changes to light trespass) it is not possible to identify a significant impact.

Table 1 below lists each of the purported impacts accorded to species or species group. For most species or species groups, it is clear that when the appropriate baseline, based on the ambient or existing conditions for the site are considered, no significant impacts are expected. The overall reduction in sky glow associated with the Campus Life project further reinforces this conclusion.

Table 1: Summary of Potential Effects on Species or Group

Species or group	Lit area avoidance	Disorientation	Disruption of foraging patterns	Increased predation risk	Disruption of biological clocks	Disruption of dispersal
Mt. Lion	No effect	No effect	No effect	No effect	No effect	No effect
Mule deer	No effect	No effect	No effect	No effect	No effect	No effect
Coyote	No effect	No effect	No effect	No effect	No effect	No effect
Bobcat	No effect	No effect	No effect	No effect	No effect	No effect
Raccoon	No effect	No effect	No effect	No effect	No effect	No effect
Small mammals	No effect	Potentially limited but not significant	Potentially limited but not significant	Potentially limited but not significant	No effect	No effect
Reptiles	No effect	No effect	No effect	No effect	No effect	No effect
Amphibians	No effect	No effect	No effect	No effect	No effect	No effect
Raptors	No effect	No effect	No effect	No effect	No effect	No effect
Owls	No effect	No effect	No effect	No effect	No effect	No effect
Songbirds	No effect	No effect	No effect	No effect	No effect	No effect
Migratory Birds	No effect	No effect	N/A	N/A	N/A	No effect

EXHIBIT 2

Fred Oberkircher, FIES, Ed. IALD, LC
Retired Emeritus Associate Professor
Texas Christian University

October 4, 2013

Comments concerning Pepperdine upper Marie Canyon site development

I have been asked by Francis Krahe and Associates to represent Pepperdine University in providing comments pursuant to the proposed development of the Enhanced Recreation Area at Marie Canyon. Specifically, I have been asked to comment on the applicability of the lighting zones that are part of the IDA/IES Model Lighting Ordinance ("MLO"). It has been my privilege to serve as a member of the IES Board of Directors during the development and ultimate passage of the MLO by both the Illuminating Engineering Society (IES) and the International Dark Sky Association (IDA). During this period of time, I have served as Vice President for Education, Vice President for Technical and Research, as well as the presidential sequence – Vice President, President, and Past President. I have also been honored to receive the Fellow distinction within the Society.

The Lighting Zones ("LZ") of the MLO were developed as an enhancement to previous attempts to categorize acceptable lighting levels for various community conditions beginning with the lowest LZ0 and moving up to LZ5 as the highest. In seeking to better utilize an existing site on campus, the site is surrounded on three sides by existing developed and disturbed areas. Pepperdine University is obviously concerned that the most appropriate lighting zone be assigned to this project. The three potential assignments for this site are as follows:

LZ0: No ambient lighting[1]

- LZ0 applies to areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. **The vision of human residents and users is adapted to the darkness** and they expect to see little or no lighting. When not needed, lighting should be extinguished.

- LZ0 is the recommended default zone for wilderness areas, parks and preserves, and undeveloped natural areas.

- A threshold of 0.01 fc is generally utilized for LZ0 zones.

[1] Note: The author has provided bolding for emphasis and clarity.

LZ1: Low ambient lighting

- LZ1 applies to areas where lighting might adversely affect flora and fauna or disturb the character of the area. **The vision of human residents and users is adapted to low light levels.** Lighting may be used for safety and convenience but is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

- LZ1 is the recommended default zone for rural and low-density residential areas.

- A threshold of 0.1 fc is generally utilized for LZ1 zones.

LZ2: Moderate ambient lighting

- LZ2 applies to areas of human activity where **the vision of human residents and users is adapted to moderate lighting levels.** Lighting may typically be used for safety and convenience but not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

- A threshold of 0.3 fc is generally utilized for LZ2 areas.

During the development of the MLO, there was considerable reporting provided to the IES Board concerning the progress of the joint committee and significant board discussion specifically about the proposed lighting zones. LZ0 had been added to previous existent documents and clarification was sought as what the intended use was to be. As noted above, LZ0 was intended to be reserved for “wilderness areas, parks and preserves, and undeveloped natural areas.” The example given was that if one were to stand in a spot and face the four compass directions, no man-made lighting would be seen. This litmus test seems to have held up well over time since the adoption of the ordinance.

LZ1 was the previous beginning zone and deals with adapted low levels of light and refers to rural or low-density areas where visual observation of another person or dwelling is infrequent. There is no intention here for groups of people to gather and little consideration for meaningful (ability to read facial expressions, etc.) interpersonal communication.

LZ2 refers to moderate lighting levels providing the ability to discern facial expressions, interpersonal dynamics and color. This is the base level of community and public safety.

Recommendation

Based upon the above information, it is my considered opinion that, even though the Enhanced Recreation Area is near the edge of the developed campus area, the site under discussion is still a part of campus in which students will gather from time to time for athletic and other activities and expect the same quality and quantity of light as are to be found in other areas of the campus, including light in all four directions as well as the existence of ambient light levels. In order to enhance their ability for interpersonal communication and to provide a minimum sense of safety, I recommend that the Marie Canyon be defined as a LZ2 zone.

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Vita

8/1/2013

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Illuminating Engineering Society Member since 1992

Educational Background

1970	**Master of Science in Architecture** **Pennsylvania State University** **University Park, PA**
1968	**Bachelor of Architecture** **Pennsylvania State University** **University Park, PA**

Previous Professional Positions

1970 - 1972	**Architect** **Army Air Force Exchange Service** **Dallas, TX**

Teaching

a. part Time

1968 - 1969	**Graduate Teaching Assistant** **Pennsylvania State University** **University Park, PA**

b. Full Time

1972 - 1974	**Instructor of Home Economics** **State University of New York at Plattsburg** **Plattsburg, NY**

c. Full Time

1974-2009	**Instructor/Assistant/Associate Professor** **Interior Design** **Texas Christian University** **Fort Worth, TX**

Contributions to the IES

1. **Societal Activities**
   a. **Offices Held**
      i. **Director** **2000 – 2001**

ii.	**VP Educational Activities**	**2001 – 2005**
iii.	**VP Technical & Research**	**2007 – 2009**
iv.	**Senior Vice President**	**2008 – 2009**
v.	**President**	**2009 – 2010**
vi.	**Past President**	**2010 – 2011**

b. Society Committee Service
Committee

i.	**Research Symposium**	**2011 – Present – M**
ii.	**Conference Papers**	**2002 - M**
iii.	**Educational Advisory Com.**	**2011 – Present – M**
iv.	**Research**	**2007 – M**
v.	**Teachers of Lighting Workshop**	**1996 – Present - M**
vi.	**Technical Review Council**	**2011 – Present – M**

c. Societal Liaison to Affiliated Organization
Affiliated Organization

i.	**NCQLP**	**1996 – 2005**
	aa. Chair – Examination Com.	**1996 – 1998**
	bb. Chair – Simulation Com.	**1999 – 2001**
	cc. Secretary	**2002 – 2004**
	dd. Treasurer	**2004 – 2005**
ii.	**IALD Education Trust**	**1998 – 2009**
	aa. Secretary	**1998**
	bb. President	**1999 – 2001**
iii.	**IALD**	**1992 – Present**
	aa. Board Director	**1996 – 1998**
iv.	**Nuckolls Fund for Lighting Ed.**	**1999 – Present**

d. Three most significant accomplishments

1. **NCQLP -** Part of the original team that developed the NCQLP exam.
   Later served as the first Chair of the Examination Committee guiding the organization through the first several exams starting with the first exam in 1996
2. **TOLW -** Participating student in the 1994 Teachers of Lighting Workshop. Served as a guest instructor in 1995, and became a faculty member in 1996. Assisted in guiding the refinement of the Workshop under the direction of Joe Murdoch.
3. **IES Public Policy –** Initiated discussions as VP to develop a metric for measuring lighting quality that evolved into the inter-organization committee which lead to the MOU between the IES, the IALD, and the ALA and eventually to the hiring of Bob Horner as the IES Director of Public Policy. Also initiated discussions at the Board level that lead to the development of the Integrated Building Design Pavilion at Lightfair.

2. Regional Activities
None

3. Lighting Courses, Workshops, Presentations at IES Sponsored Events

	Title
2011	• Vision and Color Seminar – Author
	• Presentation to the Dallas Section NCQLP Study Group – October
	• Presentation to the Oklahoma City IES Section – September
	• New Attendee Orientation presentation – Lightfair May
	• IES/ALA Washington Mission – presentation to legislators – May
	• Presentation to the Houston IES Section – March
2010	• Presentation to the Nashville IES Section – November
	• Presentation to the Jackson IES Section – October
	• Presentation to the Dallas Section NCQLP Study Group – October
	• Presentation to the Memphis IES Section – September
	• New Attendee Orientation presentation – Lightfair May
	• Presentation to the South Regional IES Conference Tupelo – April
	• IES/ALA Washington Mission – presentation to legislators – March
	• Presentation to the Houston IES Section – March
2009	• Presentation to the Dallas Section NCQLP Study Group – October
	• Presentation to the Dallas IES Section – October
	• Presentation to the Memphis IES Section – September
	• Presentation to the Mexico City IES Section – June
	• Lighting Quality metric presentation – Penn State – April
	• Presentation to the Edmonton IES Section – March
	• Presentation to the Houston IES Section – March
2008	• Presentation to the Memphis IES Section – December
	• Presentation to the Dallas Section NCQLP Study Group – October
	• Presentation to the Austin IES Section – September

2007	• Presentation to the Sandia, NM IES Section – October • Presentation with Lee Kirby to the Dallas IES Section - May • Presentation with Mark Roush - Lightfair - May • Presentation to the New England Section - April • Presentation to the San Jacinto Section – January
2006	• Presentation to the Central Oklahoma Section – November • Presentation to the Northwest Advanced Fly In Victoria, BC – October • Presentation with Lee Kirby to the West Texas Section – January • Presentation with Lee Kirby to the IES Centennial Conference, new York - January

4. Publication of Articles/Columns/Papers in LD+A/Leukos

Article	
2011	Book Review – “Money in Your Pocket” October Book Review – “Let There Be Light” August Book Review – “Lighting Retrofit and Relighting” July Book Review – “The Structure of Light, Richard Kelly and the Illumination of Modern Architecture” April Book Reviews – “Brilliant: The Evolution of Artificial Light,” “Stage Lighting – Fundamentals and Applications,” “Uncle Tungsten: Memories of a Chemical Boyhood” February
2010-2009	Six articles under the title “Presidential Perspective”
2008	Educational Column – “News From the Front” LD+A Magazine, September Education Column – “Lessons in Quality” April
2007	Oberkircher, Fred “Learning Styles and Lighting Knowledge” LD+A Magazine, October Oberkircher, Fred “The Right Hand Doesn’t Know What The Left Hand id Doing” LD+A Magazine, April
2005	Oberkircher, Fred, and Roush, Mark “Teaching Technologies for Lighting Educators” LD+A Magazine
2001	Oberkircher, Fred “Essay by Invitation - Analysis of the Richard Kelly Exhibit” LD+A Magazine, April 2001

5. Section & Local Activities

a. Offices Held

i. West Texas Board of Managers 1997 – 2009

ii. West Texas Section VP **1997 – 1998**
iii. West Texas President **1998 – 2003**
iv. West Texas Ed. Planning Committee **1997 – 1998**

6. Awards

1. NCQLP Service award **2001**
2. IES Presidential Award **2002**
3. IALD Volunteer Service Award **2003**
4. IES Fellow **2006**

EXHIBIT 3

Francis Krahe
& Associates Inc.
Architectural Lighting Design

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Los Angeles, CA 90013

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www.fkaild.com

October 4, 2013

Rhiannon Bailard
Pepperdine University
24255 Pacific Coast Highway
Malibu, CA 90263-439P2

Pepperdine University
Lighting Impact Analysis
Component Site Five

Dear Rhiannon:

The following information is provided in response to the California Coastal Commission Staff Report, dated September 27, 2013, with attached Exhibit 14 from Benya Burnett Consultancy dated September 26, 2013.

The Staff report draws conclusions regarding lighting impacts based upon the report from Dr. Engel, who in turn relies on the report from Benya. These reports make repeated references to statements by Benya regarding the nature of the existing site conditions and the future impacts of the proposed lighting which we believe are incorrect.

Dr. Engel's report states that the lighting analysis prepared by Francis Krahe & Associates Inc. utilizes incorrect or outdated standards to establish the correct threshold of significance. She refers to Benya's report as the basis of several assertions regarding light intensity and the application of appropriate metrics to evaluate lighting impacts.

Benya's findings include several key errors and assertions to speculative impacts. The suggestion that Francis Krahe & Associates, Inc. utilized outdated or incorrect metrics for the evaluation of the threshold of significance is not true. The value for the minimum acceptable threshold suggested by Dr. Engel and Benya at 0.01 fc was not identified as a threshold of significance at the time the Environmental Impact Lighting Analysis was prepared (August 3, 2010). The amendment to the lighting report provided by Francis Krahe & Associates Inc. referred to in Benya's report was prepared in response to specific questions raised by the Coastal Commission Staff, and was not submitted as a reevaluation of the previously completed Lighting Impact Analysis in 2010. Dr. Engel herself goes so far to assert that FKA relied on "outdated versions of the IES documents" in the Supplemental Lighting Analysis. *See* Supplemental Engel Memo at p. 4. Again, this contention is not based in fact. The Supplemental Lighting Analysis was a targeted analysis prepared at the request of the Commission Staff to address specific questions related to potential light trespass impacts. It was **Commission Staff that asked FKA** to "clarify distance from the proposed field that light values would be **at, or greater than, 0.1 footcandels** [sic] and analyze potential impacts to native vegetation and Marie Canyon stream." *See* Notice of Incompletion, dated Jan. 30, 2012. This is precisely what FKA did.

Benya's review of the Environmental Impact Lighting Analysis suggests he is not familiar with the subject property. We believe the existing conditions in and around the proposed Recreation Field site are not as described in Dr. Engel's report or as suggested by Benya. The area of this subject property is flanked by existing campus development, including street lights, parking lot lights, building mounted flood lights, and path lighting that are clearly visible from the subject property and the surrounding hill sides of the canyon. Field measurements conducted by Francis Krahe & Associates, Inc. show the existing lighting is greater than the Engel proposed .01 foot-candle threshold even without the existing recreation field lights in operation (see Table

1 below). The application of this 0.01 threshold in the existing Marie Canyon site would be an improper use of this type of limit, which we believe applies to regions more distant from existing development.

Spectral Impact

Benya refers to medical studies "showing causal impact to wildlife health and wellbeing" and the White Paper published by the International Dark Sky Association (IDA) in 2010 with respect to human eye sensitivity to short wavelength energy. We believe these issues require further study to establish an environmental threshold of impact. There are two separate impacts suggested by Benya: to humans; and to wildlife.

Within the body of existing research there is no clear definition of a sensitivity threshold for humans which would define substantial impact for the type of application under review in the EIR. The research as it stands today suggests more study is required to better understand the relationship of short wavelength radiation on human health, but there is no suggestion in any of the research that extremely low light levels, such as below 0.1 foot-candle, would be cause for negative health impacts. The correlation of human health research of the impact of low frequency light to this type of site location is not relevant.

With respect to low light impact on wildlife, the standard applied within the EIR of 0.1 foot-candle is derived from the IESNA definition of the site area. The 2010 IDA position paper does not stand for a proposition that all light should be limited or excluded from areas of an existing facility such as the proposed Enhanced Recreation Field within a developed University Campus. The existing lighting conditions exceed the 0.01 value every night, and this lighting condition appears to have been in place for several decades.

This additional environmental attention to light projected into or onto the adjacent hill sides is precisely the reason we propose the Qualite product for the Recreation Field lighting to limit light trespass at the boundary of the athletic field to 0.1 foot-candle. The calculated light trespass values resulting from the new proposed Recreation Field Lighting are extremely low. We believe the IDA position that all light should be limited or excluded from the Recreation Field should not apply to this site since the existing conditions exceed the limitations proposed even without the existing field lights in operation.

Update to ELIA-1

According to Benya the adoption of the IES Lighting Handbook 10th Edition, Five Zone Lighting system should have revised the findings of the Environmental Lighting Impact Analysis completed August 3, 2010 .

The proper characterization of the Pepperdine's Recreation Field site and its surrounding area are defined by the existing lighting conditions as documented by the field observation reports conducted by Francis Krahe & Associates, Inc. and as noted in the 2010 Environmental Impact Analysis and Addendum #1, . The additional classifications presented in the Five Zone Categories in 2011 do not revise the conditions on site, and do not alter the characterization of these conditions. The conditions at the Recreation Field site are most accurately described by the E1 Classification in the 9th Edition, or the LZ1 Classification in the 10th Edition of the IESNA Handbook. A comparison of the two versions of the IESNA Outdoor Lighting Zone Classifications is presented in Table 2 and Table 3 below.

We believe the appropriate threshold remains 0.1 foot-candle as per E-1 in the 9th Edition, or LZ1 in the 10th Edition of the IESNA, which is the threshold applied within the EIR to all subject areas adjacent to native habitat.

Francis Krahe & Associates, Inc. utilized the E-1 classification in the original EIR for all areas adjacent to native habitat as a conservative threshold to limit any unnecessary light trespass into the adjacent native habitat.

The 10th Edition of the IESNA introduces a new lower threshold LZ0 for areas described as "No Ambient Lighting". Constant and uniform ambient light exists throughout the project site and along the adjacent canyon hillsides even without the existing field lights in operation (see Table 1 below). The Five Zone category includes LZ1, which is described as conditions with "Low Ambient Lighting", where lighting "might adversely affect flora and fauna or disturb the character of the area" . The measured field data supports the LZ1 classification since the hillsides adjacent to the existing field are currently illuminated to a low level of light even without the existing field lights in operation. Light is incident in the canyon from street lights at the Dresher Graduate Campus to the west, from the maintenance facilities and building along Huntsinger Circle Road to the South, and from the parking lots and Graduate Housing to the East. One of the existing street lights along Huntsinger Circle Road immediately adjacent to the subject site was not operable during these measurements, therefore the values may be understated. Many of these light existing fixtures are located at a higher elevation than the subject field and or the slopes surrounding the base of Marie Canyon, and project light down onto the property. In addition sky glow is apparent from adjacent areas of the campus, from the adjacent highways, and from the overall Los Angeles basin regional sky glow.

The field measurements of the existing conditions from areas surrounding the Recreation Field site exceed the LZ0 Outdoor Lighting description even without the existing field lights in operation. Measured values are presented in Table 1 below for the areas surrounding the proposed Recreation Field site with no field lights in operation. These measured values indicate there is ambient illuminance throughout the area adjacent to the field at levels above the proposed 0.01 foot-candle threshold presently.

The LZ0 threshold is defined by the IES as: "No Ambient Light: Areas where the natural environment will be seriously and adversely affects by lighting impacts include disturbing the biological cycles of flora and fauna and /or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness and they expect to see little or no lighting. When not needed lighting should be extinguished." The Pre Curfew Lighting Threshold for LZ0 is 0.01 footcandle.

We believe the LZ0 classification would be appropriate for areas of pristine landscape far removed from developed or urbanized conditions, not areas at the boundary of "urban-rural (artificial light – natural light)" as described by Dr. Engel. In the previous version of the IESNA Recommended Threshold, Zone E-1 included the following description; " Intrinsically dark, such as a National Park", The addition of the new category LZ0 creates a new lower threshold for areas of "No Ambient Light" such as a National Forest. However, the area of landscape in question at the boundary of the Recreation Field site is surrounded on three sides by existing illuminated streets, parking, and walkways which are fundamental to the use of the Pepperdine Campus at night. Existing illuminance values at the edge of the natural vegetation areas to the west of the Recreation Field exceed the LZ0 defined 0.01 foot-candles threshold even without the existing Recreation Field Lights in operation (see table 1 below). Recent field survey data is presented in Table 1 and Figure 1 and 2 below for additional sites surrounding the Marie Canyon site to demonstrate even high above and at distances over the proposed Recreation Field, the ambient illuminance is consistently above this proposed threshold of 0.01 foot-candles for LZ0.

Several of the field measurement sites are well beyond the boundary of the 0.1 foot-candle generated by the proposed Recreation Field lights and within the undisturbed landscape slope. Site D is over 730 feet from the calculated 0.1 footcandle boundary and measures 0.038 foot-candles without the existing field lighting. Site G is over 350 feet from the calculated 0.1 foot-candle boundary line, yet the existing illuminance measures 0.13 foot-candles. Yet at these sites the existing condition is higher than 0.1 foot-candle. We believe the appropriate threshold is and remains the 0.1 foot-candle identified in the original Lighting Impact Analysis due to the existing site conditions and the adjacency to the Pepperdine University Campus. The appropriate Lighting Zone

Classification is LZ1 in either the previous or the new versions of the IES recommended Nighttime Outdoor Lighting Zone Definitions.

Dr. Engel refers to a range of light levels on page 13: “To relate this light level to familiar visual situations, 0.1 fc is the pre-dawn light level, 0.01 fc is the light level of a clear night with a full moon, and 0.0001 is the light level of a clear starry night”. Again, we believe these reference values apply to regions where there is no ambient light from any nearby development. The measurements presented in Table 1 below were recorded on “ a clear starry night”, with stars visible from the Pepperdine campus.

The 0.1 foot-candle boundary is calculated utilizing a computer simulation of the field conditions and surrounding topography. Outside this boundary line, the output from the Recreation Field lights would be less than or equal to 0.1 foot-candle. This calculation model does not take into effect the height of the vegetation which will block the light from travelling into the plant materials to grade. This vegetation cover provides a shading effect of up to 90%. Dr. Engel indicates the 0.1 and .01 line of impact would be far beyond the boundary of the limit of the Component Five Site. While the model does show this extent of light, the model does not include any of the shading provided by the dense foliage surrounding the recreation field.

The existing lighting conditions contradict Benya’s premise of the LZ0 Threshold classification with regard to “The vision of human residents and users is adapted to the darkness and they expect to see little or no lighting” since all of the Pepperdine Campus, as well as adjacent residential communities and illuminated sections of adjacent public highways are prominent within the field of view from this ridge.

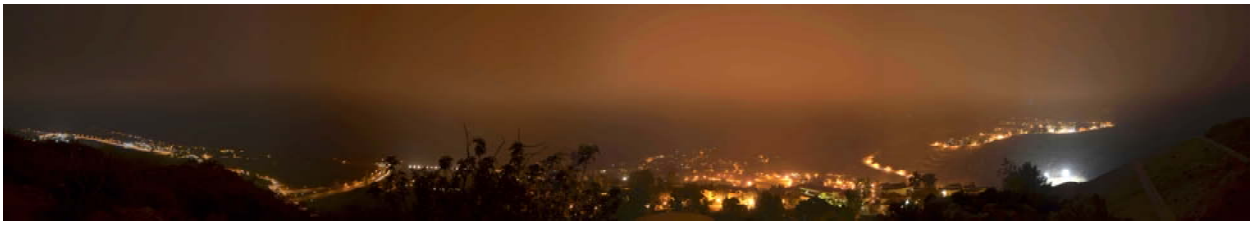

Photo 1: Site 5 View To Pepperdine Campus

We believe the appropriate application of the Five Zone Lighting Definition to the Pepperdine Campus and the Campus Life Project would result in Lighting Zone 3, “Moderately High Ambient Lighting”. The corresponding definition correlates with the field measurement data collected in the Lighting Environmental Impact Analysis regarding the existing illuminance values on the Campus perimeter.

“Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally designed for safety, security and or convenience and is often uniform and or continuous. After curfew, lighting may be extinguished or reduces as activity levels decline.”

The LZ3 Threshold is 0.8 foot-candles. The Pepperdine Campus is a 24 hour residential facility for the Pepperdine University Students and many student activities, classes, and events are scheduled late in the evening. Student safety is enhanced and protected by sufficient lighting at the Campus perimeter for access to parking areas, sidewalks, and pathways. The LZ3 Threshold corresponds to the existing conditions measured surrounding the Pepperdine Campus and affords a reasonable balance between limitation of light trespass to the adjacent properties and the safety requirements for Students, Faculty and the General Public.

Property Line

Benya states: " I believe that the illuminance measurement is being used incorrectly. In the report, the measured values of illuminance are not being made at the property line, but rather at selected observation points. Current anti-light pollution theory, including that contained in RP-33-99, is that the measurement is made at the property line in a vertical plane extending upwards".

The Property Line is located at minimum 1635 ft. from the subject Recreation Field site. Measurements along this property line are extremely distant from the subject site and beyond the accuracy of the lighting calculations software to predict accurately.

The use of the selected Receptor sites by Francis Krahe & Associates, Inc., is not at the property line so as to measure illuminance for existing conditions and to calculate future impacts in a thorough and accurate manner. The use of the Property Line as the location for observation of existing conditions or calculation of future conditions has no bearing on the review of the Component Five, Recreational Field site, since all of the area under review is a part of the Applicant's property. Receptor sites selected around the perimeter of the existing recreational area roughly correspond to either the boundary of existing dense vegetation at the edge of the Fuel Modification Zone, or existing recreational paths up the slope. All future impacts are modeled with a continuous vertical plane along this line of the boundary of the existing undisturbed vegetation.

Further, where the Property Line is an appropriate boundary Francis Krahe & Associates provided the analysis at this location. Along John Tyler Drive, the receptor sites selected for field observations of existing conditions are located at the Pepperdine Campus Property line and are frequent and positioned deliberately to identify the most offensive existing and future positions of light trespass. All future impacts are modeled with a continuous vertical plane along the Campus Property Line along John Tyler Drive.

In this regard we believe the methodology utilized by Francis Krahe & Associates Inc. is more rigorous than the method suggested by Benya. The illuminance values at the Campus Property line along John Tyler Drive are below the existing illuminance and within the appropriate thresholds for this type of facility.

Luminance and Luminance Measurements

Benya asserts " I am also concerned about the use of 'luminance". Benya states "One of the few practical field instruments for measuring luminance is the Minolta LS-100. It reports luminance measurements in candelas per square meter (or "nits"). **The Consultant's use of foot-lambert's suggests that these field meters did not make the measurements. This brings into question the types of meters used and their calibration**." (emphasis added).

Benya's statement is incorrect. The field data presented in the Environmental Impact Lighting Analysis for Luminance were measured using a Minolta LS-100 meter with procedures consistent with best practices for field measurement of luminance as per CIE 150:2003. The LS-100 meter utilized by Francis Krahe & Associates, Inc. reports Luminance data in either candelas per square meter or Foot Lamberts (fL). All data measured and reported in the EIR is foot Lamberts (fL) . See photos of Minolta LS-100 meter settings below.

Photo 2: Minolta LS-100 Luminance Meter, Display Setting for Output foot lamberts (fL)

Photo 3: Minolta LS-100 Luminance Meter, Switch Set for foot lamberts (fL).

Benya further asserts that the acceptance angle of LS-100 is 1 degree and will therefore under report the brightness at of the sports luminaires. In fact, the variation of brightness measured by the LS-100 for bright point source objects (such as existing field lights at the existing sports facility) measured at distances of 50 feet or greater varies less than 3% up to distances of 1000 feet. While the degradation of brightness is significant in distances from 0 to 50 feet, the variation after 50 feet falls considerably.

We believe the reported field data for Luminance is correct and properly measured and documented according to IESNA best practices. Francis Krahe & Associates, Inc. followed the manufacturer's recommended procedures for measurement, as well as those defined by CIE 150:2003.

Further, if as Mr. Benya suggests there is some percentage of error to the values measured for the existing sports luminaires (which we do not agree), it would be as he noted "under reported". Therefore if he is correct, the brightness of existing field lights and other bright point sources existing within the Pepperdine Campus and surrounding streets would have higher luminance than we measured and reported in the EIR, and therefore the relative impact of the new proposed system would be that much less than the existing conditions by comparison. Francis Krahe & Associates, Inc. asserts the data collected is accurate and a correct assessment of the existing lighting conditions. We believe the measured Luminance data represents a conservative view of the existing lighting conditions, and the impact of any new proposed lighting is limited to those areas presented in the EIR.

FRANCIS KRAHE & ASSOCIATES, INC.

Francis J. Krahe II*, PE, IALD, IED*

Table 1: RECEPTOR SITE ILLUMINANCE WITH EXISTING FIELD LIGHTING OFF				
SPORTS LIGHTING OFF: Field Measurement Data 09-18-2013 (Low Dense Cloud Cover, 9 pm to 11 pm)				
Receptor Site	**Location**	**Description**	**Horizontal FC**	**Vertical FC**
D	East Slope		0.038	0.012
G	West Slope		0.013	0.019
3	West Slope Trail		0.018	0.015
4			0.024	0.025
5			0.021	0.030
SPORTS LIGHTING OFF: Field Measurement Data 10 - 01 -2013 (Clear Sky, Stars Visible, 9 pm to 11 pm)				
Receptor Site	**Location**	**Description**	**Horizontal FC**	**Vertical FC**
20	**Existing Field**	NW Corner	0.010	0.012
21		North Center	0.010	0.012
22		NE Corner	0.009	0.012
23		West Center	0.010	0.018
24		Center	0.010	0.018
25		East Center	0.010	0.018
26		SW Corner	0.013	0.031
27		South Center	0.013	0.031
28		SE Corner	0.015	0.026
30	**0.2 Acre Slope Area**	At NW Boundary on Trail	0.013	0.027
31		Mid-Point Boundary on Slope	0.017	0.038
32		At Trail Aligned with SW Field	0.050	0.013
33		At White Fence	0.013	0.031
34		At South Boundary	0.021	0.030
40	**Marie Canyon**	At Rocks		0.019
41		Trail		0.035
43		Parking	0.469	0.500
50	**Drescher Graduate Campus**	At Pole / Curb	2.020	2.380
51		At Pole 27 ft. from curb	0.262	0.535
52		At Pole 60 ft. at Trail Head	0.132	0.221
53		Between Pole at Curb	0.092	1.240
54		Between Poles 27 ft.	0.126	0.285
55		Between Poles 60 ft.	0.031	0.086

All Data measured with Minolta Illuminance Meter at Grade.

Figure 1: Receptor Site Plan

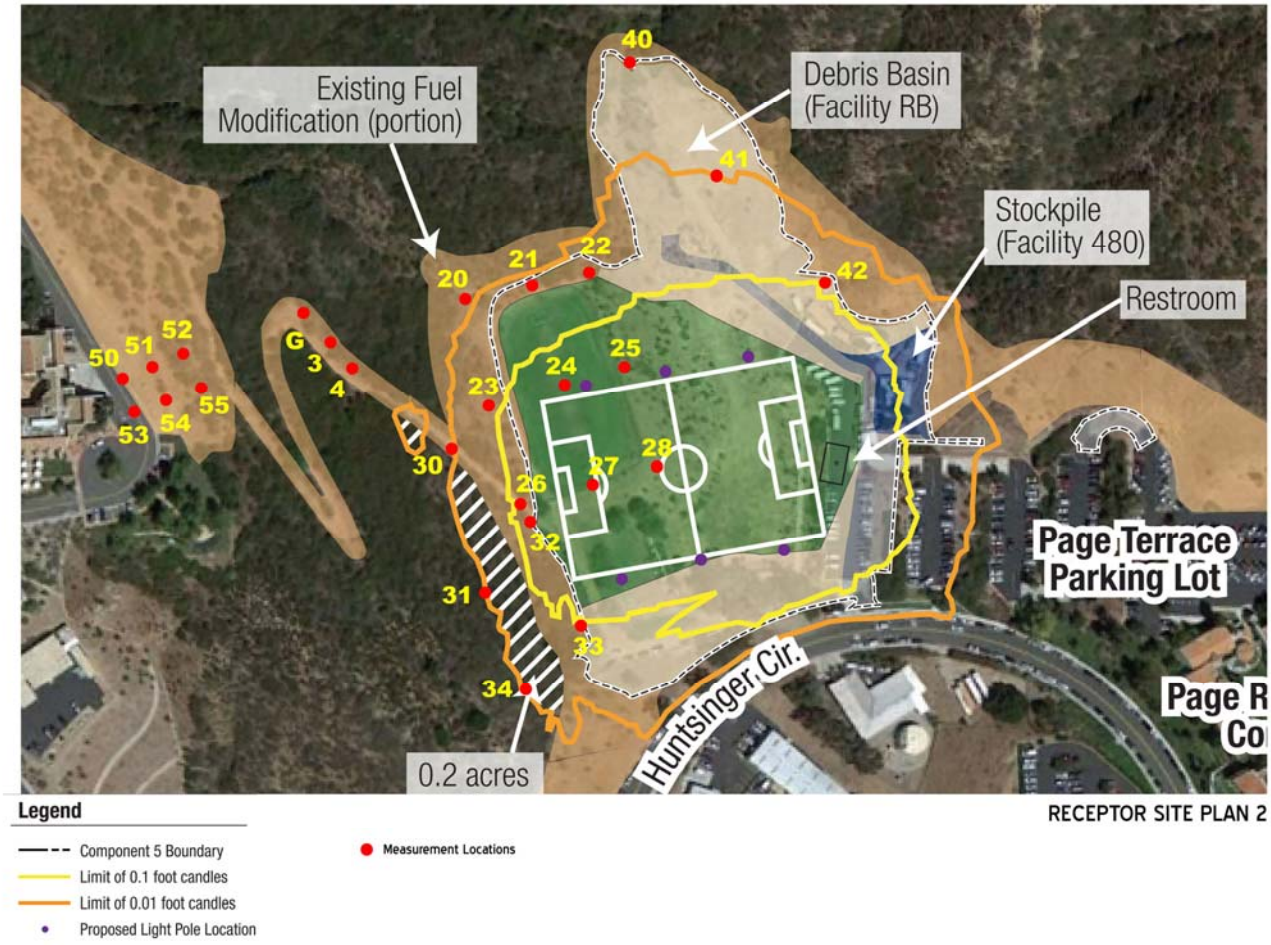

Figure 2: Receptor Site Plan

Table 2: IESNA RP 33-99: Recommended Thresholds of Significance for Pre-Curfew Light Trespass

Zone	Description	Recommended Light Levels
E-1	Intrinsically dark, such as a National Park	1 lux (0.1 fc)
E-2	Low ambient brightness, outer urban or rural residential areas	3 lux (0.3 fc)
E-3	Areas of medium ambient brightness, urban residential areas	8 lux (0.8 fc)
E-4	Areas of high ambient brightness, urban areas with residential and commercial uses	15 lux (1.5 fc)

Table 3: IESNA Table 26.4, Nighttime Outdoor Lighting Zone Definitions

Zone	Outdoor Lighting Situation	Definition	Pre Curfew Lighting Threshold
LZ0	No Ambient Lighting	Areas where the natural environment will be seriously and adversely affects by lighting impacts include disturbing the biological cycles of flora and fauna and /or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness and they expect to see little or no lighting. When not needed lighting should be extinguished	0.1 lux (.01fc)
LZ1	Low Ambient Lighting	Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.	1 lux (0.1fc)
LZ2	Moderate Ambient Lighting	Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduces as activity levels decline.	3 lux (0.3fc)
LZ3	Moderately High Ambient Lighting	Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and convenience but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.	8 lux (0.8fc)
LZ4	High Ambient Lighting	Areas of human activity where the vision of human residents and users is adapted to high light levels. Lighting is generally considered necessary for safety, security and /or convenience and it is mostly uniform or continuous. After curfew, lighting may be extinguished or reduced in some areas as activity levels decline.	15 lux (1.5fc)

PEPPERDINE UNIVERSITY

GOVERNMENTAL AND REGULATORY AFFAIRS

Submitted electronically to California Coastal Commission Staff

October 2, 2013

Deanna Christensen
Coastal Program Analyst
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

Re: Support Letters for Pepperdine University's Long Range Development Plan Amendment, Agenda Item W11a for the October 2013 Coastal Hearing

Dear Ms. Christensen:

Enclosed please find letters in support of the Campus Life Project previously submitted during Long Range Development Plan Amendment 1-11. Please let me know if you have any questions or need additional information.

Sincerely,

Rhiannon L. Bailard
Associate Vice President

CC: Melanie Faust, Coastal Program Analyst
Barbara Carey, Supervisor, Planning & Regulation

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2716 OCEAN PARK BLVD., STE 3088
SANTA MONICA, CA 90405
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FAX (310) 314-5263

California State Senate

SENATOR
FRAN PAVLEY
TWENTY-THIRD SENATE DISTRICT

COMMITTEES
NATURAL RESOURCES & WATER
CHAIR
ENERGY, UTILITIES & COMMUNICATIONS
ENVIRONMENTAL QUALITY
TRANSPORTATION & HOUSING

December 4, 2012

Delivered by fax: 415-904-5400
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

To Whom It May Concern

As the state senator who represents the Malibu area, I wanted to let you know of my support of the Pepperdine Campus Life Project. Not only will these campus improvements support the educational mission of the university, but they will add to the quality of life for students, faculty, and the broader community.

I commend the university for including the input of community organizations, neighbors, and local businesses throughout this process to insure the broadest possible support of this project.

Sincerely,

Fran Pavley

FRAN PAVLEY
State Senator, 27th District

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES
821 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET / LOS ANGELES, CALIFORNIA 90012
PHONE (213) 974-3333 / FAX (213) 625-7360
zev@bos.lacounty.gov / http://zev.lacounty.gov

ZEV YAROSLAVSKY
SUPERVISOR, THIRD DISTRICT

December 5, 2012

AGENDA ITEM NO: Th7b
Hearing Date: December 13, 2012

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

RE: Pepperdine University Campus Life Project Item No. Th7b (December 13, 2012)

Dear Commissioners:

For nearly two decades, I have worked with Pepperdine University to ensure that its approach to planning for the future of its great campus respects both its neighbors and the sensitive natural environment that surrounds and lends support to the University and all those who learn, live, work, and play there. The Campus Life Project that is before you meets every one of those challenges, and I hope you will approve it without delay.

As a starting point, the University's leaders made a tremendous effort to work with its neighbors—including all involved governmental agencies, the Santa Monica Mountains Conservancy, and the adjacent homeowners association (the Malibu Country Estates) in the development of their plan. They listened to the community, and made changes and compromises in the location of the proposed facilities to ensure that their project would genuinely respect their neighbors' concerns. As a result of this effort, no one appeared in opposition to the Campus Life Project when it came before the County's Regional Planning Commission for public hearing, and no appeal was filed to the Board of Supervisors. In this geographic region, such unanimity is a rare feat that ought to be acknowledged.

Second, the University recognized that some limited, additional night lighting of athletic areas was necessary for the University's student athletes to participate on a level playing field with students from other schools. Recognizing the environmental sensitivities of this issue, the University—from the very beginning—sought to use the best of available dark skies technology to ensure that the new lighting would not harm either the rural environment, or negatively impact those around the campus. Pepperdine's efforts in this area will lead the way in Southern California and set a model that other schools and facilities in the rural-urban interface should follow.

Then, the University went an important step further. The University met my challenge to actually improve outdoor campus lighting throughout the existing campus, and agreed to replace existing inefficient fixtures installed in the 1970s with state-of-the-art shielded lighting. These fixtures will help to reduce the use of energy on campus, while reducing the most prominent existing sources of light currently emanating from the campus. In short, the Campus Life Project is not just mitigating all new potential night lighting impacts: if approved by your Commission, it will create a net benefit for the critically important dark skies effort in the unincorporated Santa Monica Mountains.

The environmental benefits of this project continue: To name just three more, the University is helping to provide additional trail access north of the property, educating future generations about sustainability, and obligating itself to obtain LEED certification at the Silver Level for the new Athletics/Events Center, as well as LEED certification for new Project Housing.

With these environmental measures in place, I urge you now to look to Pepperdine's track record and their mission. Pepperdine continues to live within the Long Range Development Plan that the Coastal Commission approved more than twenty years ago. They have moved at a considerate pace, and have been a reliable partner for the County and the community. We should allow Pepperdine the ability to build the Campus Life Project improvements, which include necessary and modest upgrades to the developed campus that are all consistent with its long range planning efforts.

In the end, Pepperdine's Campus Life Project will provide:

- improved gathering and meeting areas;
- upgraded student housing that will allow more students to live on campus (and therefore force fewer student to commute on canyon roads);
- new levels of sustainable design that will decrease energy use; and,
- new recreational facilities that will benefit not just the University's college athletes, but all other students and visitors to the campus.

By allowing the Campus Life Project to go forward, your Commission will ensure a stronger educational community, and a more environmentally sustainable educational campus.

I urge your full support.

Sincerely,

ZEV YAROSLAVSKY
Supervisor, Third District

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0050
(916) 319-2050
FAX (916) 319-2150

Assembly
California Legislature

RICHARD BLOOM
ASSEMBLYMEMBER, FIFTIETH DISTRICT

December 11, 2012

Honorable Mary Shallenberger, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco. CA 94105-2219

RE: Pepperdine University Campus Life Project; Agenda Item Th7b; December 13, 2012

Dear Chair Shallenberger and Commissioners:

I am writing to express my strong support for Pepperdine University's requested Long Range Development Plan amendment for its proposed Campus Life Project.

Pepperdine has undertaken to design a project that meets important Coastal Act objectives. For example, the Project is entirely infill, leaving approximately 550 acres of Pepperdine's Malibu campus as open space. Also, to protect "dark skies" conditions in the Santa Monica Mountains and nearby habitat, Pepperdine will install advanced athletic field lighting technology and replace hundreds of existing outdoor lights with state-of-the-art shielded fixtures that conserve energy and minimize sky glow. Further, new on-campus housing will reduce daily traffic trips on the Pacific Coast Highway and improve coastal access. These commitments and design features are among the many reasons why Pepperdine's Campus Life Project raises the bar for development in the Coastal Zone and are why I offer my support for the project.

The Campus Life Project represents a significant investment in the Southern California economy and will allow Pepperdine to remain competitive in the educational experience it provides for its students, enhance important recreational facilities in the Coastal Zone, strengthen its ties to the community and continue to protect coastal resources. I very much look forward to seeing this project in the 50th Assembly District and urge the Commission to help make that happen by approving Pepperdine's Long Range Development Plan amendment on December 13th.

Thank you for your consideration and your continued efforts on behalf of California's coast.

Sincerely,

RICHARD BLOOM
Assemblymember, 50th District

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 6, 2012

Mary K. Shallenberger, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Ms. Shallenberger:

PEPPERDINE UNIVERSITY LRDP AMENDMENT

The Los Angeles County Regional Planning Commission, after conducting a public hearing, unanimously approved Pepperdine University's application for a Conditional Use Permit (C.U.P) for their Campus Life Project. This C.U.P. is associated with their application to the California Coastal Commission for an amendment to their LRDP. As such, I am writing to support their application to your Commission.

Their Campus Life Project was conceived by Pepperdine University to achieve their mission to provide educational opportunities within Los Angeles County. The project meets the goals of the California Coastal Act and respects the neighboring communities. The plan was prepared in close collaboration with Regional Planning staff and included extensive public outreach. We conducted an extensive environmental review process over several years. We have also implemented a new County policy calling for a Hearing Examiner to conduct a public hearing near the project site to ensure that local stakeholders have ample opportunity to be heard. This hearing had over 100 attendees in late 2010. Following that hearing, our staff encouraged the University to work closely with all stakeholders and address their concerns. The Los Angeles County Regional Planning Commission held another public hearing in 2011, at that hearing no one spoke in opposition and representatives of the nearby Malibu Country Estates and the Santa Monica Mountains Conservancy spoke in support.

The Regional Planning Commission certified the Environmental Impact Report for the project and found the plan to be consistent with the County's General Plan and applicable zoning standards. Thank you for your consideration of the Pepperdine University LRDP Amendment and I would respectively request that you approve the recommendations proposed by your staff.

Sincerely,

Richard J. Bruckner
Director

RJB:SZD:KKS

c: Supervisor Zev Yaroslavsky
Phil Phillips, Vice President for Administration, Pepperdine University

STATE OF CALIFORNIA–THE NATURAL RESOURCES AGENCY
SANTA MONICA MOUNTAINS CONSERVANCY
RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207
WWW.SMMC.CA.GOV

EDMUND G. BROWN, JR., *Governor*

December 11, 2012

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Pepperdine University Campus Life
Agenda Item No. 7b – December 13, 2012

Dear Commissioners:

The Santa Monica Mountains Conservancy (Conservancy) supports Pepperdine University's Campus Life Project that will be before you at the December 13, 2012 hearing. Over the course of several years, the Conservancy staff worked hard with the Pepperdine team and the Conservancy addressed the project at three Board meetings. At its April 25, 2011 meeting the Conservancy voted to support the project if specific project conditions and modifications were made. Those requested conditions and modifications were all included as voluntary conditions to Los Angeles County's 2011 Conditional Use Permit approval.

The net result is a project that has only beneficial impacts on surrounding public open space and makes a strong contribution to the Coastal Slope Trail effort. The University's design shows its commitment to hear input and work with its neighbors. The Conservancy urges the Coastal Commission to approve the project.

Sincerely,

JOSEPH T. EDMISTON, FAICP, Hon. ASLA
Executive Director

MALIBU COUNTRY ESTATES HOMEOWNERS ASSOCIATION

Nov. 16, 2012

TO WHOM IT MAY CONCERN:

On behalf of the Malibu Country Estates Homeowners Association (the "Association"), this letter is to inform you that the Association has reached an agreement ('Agreement") with Pepperdine University as to its Campus Life Project, which includes six components including (1) Student Housing Rehabilitation, (2) Athletics/Event Center, (3) Upgraded NCAA Soccer Field, (4) Town Square), (5) Enhanced Recreation Area, and (6) School of Law Parking Structure and other University projects and activities, including the night lighting of the Baseball Field and renovation of the Firestone Fieldhouse (collectively, the "Project"). Pursuant to that Agreement which is attached to this letter, the University has agreed to numerous conditions on the Project for our benefit, and we support the Project as conditioned pursuant to the Agreement.

We appreciate that the Project includes design considerations to address the concerns of our Association and other community stakeholders. We support the Project as described in the Agreement.

The Association appreciates the University's demonstrated commitment to design the Project in consideration of its neighbors and with input from the Association. Based upon the foregoing understandings, the Association supports the Project per the attached Agreement and the issuance of all approvals, entitlements and permits requested in connection with the Project.

We appreciate your consideration.

Sincerely,

By: _____
Richard Gary, President
Malibu Country Estates Homeowners Association

P.O. BOX 831, MALIBU, CALIFORNIA 90265

12-3-12

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project Item No. 7b; December 13, 2012

Dear Commissioners:

As 35 year residents of Malibu, it is important for us to reach out to the Coastal Commission and express our support for Pepperdine University and the Campus Life Project. As area residents, we very much enjoy living along the beautiful California coast and are grateful for the tireless work of the Commission to protect what is arguably our most valuable resource.

Pepperdine has also been a wonderful resource for the community. Their students have donated countless hours in Malibu and Southern California for worthy causes of every kind including many environmental ones. The Students support the local businesses during the winter so that the businesses are here to meet the needs of our summer visitors. The on Campus cultural programs attract many members of the Community who would otherwise drive long distances for equivalent programs. The University has served as a command center for Fire and Police assets during local emergencies.

We believe Pepperdine has taken all the necessary steps to not only protect the coast but to enhance the coastal experience for area visitors and residents. The Campus Life Project plans to build additional on-campus beds which will result in 744 fewer trips to and from campus. By taking commuters off the road and making them on-campus students Pepperdine is not only improving their campus, but also the Coastal experience for anyone who travels along Pacific Coast Highway.

This is a good project for our community and we are happy to support Pepperdine and its efforts to improve the University. We hope that the Coastal Commission will approve the project.

Thank you,

Paul & Sara Grisanti

23676 Malibu Road,

Malibu, Ca. 90265

LOS ANGELES BUSINESS JOURNAL

GET AHEAD ▸▸

December 7, 2012

Agenda Item No. Th7b
Hearing: December 13, 2012

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project

Dear Honorable Commissioners:

I write today in support of Pepperdine's Campus Life Project. Pepperdine is a valuable resource for the City of Malibu, providing numerous benefits to residents and the local community. Its ongoing commitment to providing world-class education, working with local residents, and the positive economic impact on the Malibu area and region are all reasons I support this school.

As a former Malibu resident for many years, I can attest to the incredible effort the University takes in listening to its neighbors. The University spent years explaining its designs to residents, and the features of its new Campus Life Project reflect this kind of stakeholder engagement. A new athletics and events center brings upgrades to older facilities, while also moving these events away from areas that are currently near residences. New lighting on fields provides space for students and others to enjoy the outdoors at night while also using the newest technology to shield the spillover of this lighting. The University is also committed to utilizing these lights in a way that works for neighbors as well as those using the field. And new on-campus housing ensures less traffic around the University while also creating a better campus environment for interaction and learning. These efforts are the hallmark of smart development.

The Campus Life Project is projected to bring an additional $400 million in economic activity from construction and operation, along with 2,000 jobs to the region. This kind of investment is crucial to our economy, particularly as we continue on the path to recovery from the Great Recession. In addition, Pepperdine is a significant economic engine for the local economy, pumping nearly $20 million in salaries for staff living in the city and on the Pepperdine campus. Businesses around the University also benefit from the numerous food, retail and entertainment needs of students and staff. And that doesn't include the valuable sporting and cultural events that bring other folks from around the Los Angeles area and beyond to our beautiful coastal town.

5700 Wilshire Boulevard, Suite 170
Los Angeles, CA 90036
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www.labusinessjournal.com

I chose to live in Malibu because it is such a beautiful location on a particularly beautiful California coast, and when I was a resident, I felt lucky to be near such a valuable asset that doesn't exist in many other communities. Students from local schools are able to tour the campus to see how a real working University functions, and nearly everyone I know has used a campus facility at one point or another. University students provide tutoring services, and professors and students support local public schools. Pepperdine truly is a world-class institution, with numerous benefits extending beyond simply students and staff. Working with the community, Pepperdine has committed to continuing its tradition of top-notch education and services with its Campus Life Project improvement plan. I ask the Coastal Commission to approve this project so that we can maintain this valuable asset for students, residents, and the greater Los Angeles area.

Sincerely,

Matthew A. Toledo
Publisher and CEO

December 6, 2012

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project Item No. 7b; December 13, 2012

Dear Honorable Coastal Commissioners:

I am the Director of Sustainability for Koss Real Estate Investments where we manage the Malibu Country Mart, the major retail center in the Civic Center of Malibu. I also have personally had the privilege of working with members of the Pepperdine community through the Chamber of Commerce, specifically the Chamber's Environmental Committee led by Rhiannon Bailard, the Committee's chair.

The issue of environmental sustainability is an important cause especially in Malibu. And by working together in a collaborative and supportive way, the Malibu community has been able to make important strides in our sustainability practices (Pepperdine, the new City Hall, Library and The Malibu Country Mart are all LEED projects). Pepperdine has been an invaluable leader and partner in those efforts, proving that a University can make a difference, especially through their Center for Sustainability where we have learned and shared from each other about the latest green technologies.

I am particularly impressed with the fact that Pepperdine has always been at the forefront of environmental sustainability and stewardship within Malibu and the Campus Life Project further puts these sustainability standards in action. In addition to their current environmental initiatives, which include a major water reclamation program and single stream recycling and composting, the new Athletics and Events Center will be Silver LEED Certified and the new student residences will incorporate updated sustainable design features. The project also proposes replacing inefficient lighting with state-of-the-art lighting fixtures, saving energy. Pepperdine's efforts in LEED, composting, LED lighting, and beyond have been an inspiration to us at The Malibu Country Mart.

Koss Real Estate Investments joins the Malibu Chamber of Commerce and other local businesses and community members in supporting the Campus Life Project and I urge the Coastal Commission to approve this project.

Sincerely

Julie Labin
Director of Sustainability

Koss Real Estate Investments, The Malibu Country Mart
12410 Santa Monica Blvd.
Los Angeles, CA 90025
jlabin@kossfinancial.com
(310) 826-5636 ext. 230

December 5, 2012

Agenda Item: Th7b
December 13, 2012

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project

Dear Commissioners:

My name is Greg Hughes and I am the Pastor of Malibu Presbyterian Church, I'm also a neighbor of Pepperdine, and I'm a member of their Crest Associates. As Crest Associates we play a role in supporting the University in its values based education, and in turn, we are able to participate in various activities at the University, including its theatres, galleries, athletics and recreational facilities.

I can say quite emphatically that this relationship has enriched my family's life, and I am very grateful to have Pepperdine in my community. Their students and faculty members, many of whom attend services with us on Sundays, have invigorated our lives with their spirit of purpose and service. We are also blessed by Pepperdine's willingness to open its doors to our community.

With the Campus Life Project, the University is taking steps to invest in its future in a smart, environmentally sustainable way. This project will benefit the character and culture of Malibu, as well as make the University even more desirable to the strong academic and civically minded students we have come to welcome in our community.

Reinvestment, when thoughtfully completed, should be welcomed by our community as it allows the University to maintain its status as an elite home for higher education. This is a thoughtful plan to better educate a thoughtful student body. I strongly support Pepperdine and I hope that you will approve the Campus Life Project as soon as possible.

Sincerely,

Greg

Rev. Dr. Greg Hughes

Pastor/Head of Staff
Malibu Presbyterian Church
3324 Malibu Canyon Road
Malibu, CA 90265
Phone: 310-456-1611

December 3, 2012 **Agenda Item No: Th7b**

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project Item No. Th7b; December 13, 2012

Dear Honorable Coastal Commissioners:

I am writing this note in support of the Pepperdine University and its Campus Life Project.

I have had the privilege to serve of the Malibu Chamber of Commerce and work closely with the Pepperdine leadership team in the past six years to serve the community and its stakeholders.

I appreciate and value the unique contributions the school makes to the surrounding community. While Pepperdine is primarily an institution for higher learning, they provide so much to the community through its many academic, athletic and cultural offerings.

The Campus Life Project will further enhance this great university, and will allow it to continue providing a great education to its students through modern facilities that meet the needs of today's 21st century student. The care in which Pepperdine has taken to ensure that this project has minimal impacts on the community should be commended. They have always shown a real concern to address specific community needs and to help promote dialogue between the campus, chamber of commerce and other city leaders on matters of concern to the community. The University's approach for this project was no different, which is why so many of us involved in the community support this project.

The Campus Life Project will be a great benefit to students and it will allow the University to continue producing remarkable graduates who go out into the world and make it a better place. I urge you to approve this important project.

Thank you,

Sam Sahrai, Vice President-Business Development/Training
GNI Management
11500 West Olympic Blvd., #345
Los Angeles, CA 90064
(310) 235-2745, EXT. 407

Christensen, Deanna@Coastal

From: Burton Weiss <ad.alacarte@gte.net>
Sent: Thursday, December 06, 2012 3:33 PM
To: Christensen, Deanna@Coastal
Subject: Pepperdine University Campus Life Project

Agenda Item Th7B Hearing Date: December 13, 2012.

Dear Commissioners:

As a 47-year resident of Malibu I am writing you from a great, long-term perspective.

Malibu is a rather isolated community. Pepperdine University is our sports venue, our entertainment venue, our cultural venue, our recreational venue and our spiritual center. It benefits our community in so many ways. The Campus Life Project will only enhance Pepperdine's value to the city and its residents.

It will help our traffic congestion problem, too. Because more students will be able to stay and live on campus, there will be far fewer trips from off-campus housing to campus and back each day. Less traffic. Less pollution. Less waste of gasoline.

Having a larger percentage of students on campus will also benefit our local restaurants and businesses, who all-too-often die when the summer tourist season ends. The school season fills that gap perfectly.

And lastly, it will benefit the students, who will have a more fulfilling campus experience because of the Campus Life Project.

I cannot think of a single negative. Therefore I support, with the Commissioners, this thoughtful plan.

Sincerely,

Burton Weiss

Los Angeles COMMUNITY GARDEN COUNCIL

December 3, 2012

Item # Th7b

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project Item # Th7b; December 13 2012

Dear Commissioners:

I write to urge your approval of Pepperdine University's Campus Life Project. Investing in education means investing in the leaders of tomorrow, and the Campus Life Project is an important investment for all of us.

I have been involved with the University as the LA Community Garden Council contact and I can assure you, the students that Pepperdine is producing are some fine young men and women.

Scores of Pepperdine students take time out of their busy schedules to volunteers with our organization, working in our gardens throughout Los Angeles, helping to keep the gardens maintained on a regular basis. We value our partnership with Pepperdine as this type of volunteerism leads to the betterment of not just our organization but the communities in which they serve.

Pepperdine is an important resource for so many, and an investment such as the Campus Life Project allows the University to invest in it's most important asset, it's students. These are some of our nation's best and brightest and they deserve the opportunity to learn in an environment that is environmentally sustainable and provides them with the absolute best tools to further their education.

I hope that the Coastal Commission will see fit to approve the project for the students of Pepperdine and all of those benefits from the generosity exhibited by the entire University community.

Sincerely,

James A. Renner

Executive Director

www.lagardens.org
tel. 323-663-6580 fax 323-663-6160
1843 W. Silver Lake Dr. Los Angeles, CA 90026
the LOS ANGELES COMMUNITY GARDEN COUNCIL is a 501(c)3 non-profit corp.

ESPERANCE CENTER

12/5/12 **Item No. Th7b**

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project; Item No. Th7b; December 13, 2012

To Whom It May Concern:

My name is Randall Smith and I'm the Program Coordinator of Esperance Center. We are a community-based day program based in Malibu that serves adults with developmental disabilities. I have been at the company almost 6 years and since the beginning I have been fortunate to have a relationship with Pepperdine University through Esperance. Here at Esperance, we take pride in helping to facilitate in the growth of our consumers' independence. Each of our people are different, so we strive to help them reach their potential in the best way for them. Part of that is exposing them to all that the community at-large can offer to them.

Most of our individuals most likely will not have the opportunity to experience college and what it can offer. However, for years our consumers have had the chance to get a taste of what a college campus is and can be due to the relationship we have with Pepperdine University. Every Thursday and Friday, while school is in semester, we do activities on their campus. Thursdays we do golf on one of their fields and Friday mornings our consumers swim in their pool. It has been nothing but a joy for our consumers. They love the opportunity to do both activities every week. For the past 4 years, this relationship has been led by Jim Hamad from Pepperdine. It has been a pleasure for me to work with Jim as we both try to create a truly great experience for the consumers. Jim has a great heart and compassion about him that presents itself every time he interacts with our people.

Through Jim and Pepperdine University, we have been fortunate to be able to work with some incredible student volunteers who represent Pepperdine with incredible class and warmth towards our consumers. I often see the passion the students have with helping our people when showing them how to properly hold a golf club or just when having fun in the pool together. People may assume that the students are the ones getting the most out of the relationship with the consumers, but I think our people are getting just as much out of it. It is evident in how they perk up at the thought of hanging out with their favorite volunteers every week.

Pepperdine is a model University that should be commended for the work it does in growing its students as people and for the work it does to enrich the community around it. The Campus Life Project seems to be a great opportunity to improve the University and, at the risk of sounding selfish, my consumers experience as well. We look forward to a long-lasting relationship with Pepperdine and just hope that Pepperdine is giving the opportunity to put its best foot forward. The Campus Life Project seems like that opportunity.

Thank you for your time,
Randall Smith, Esperance Center Program Coordinator

P.O. Box 4140, Malibu, CA 90264

310.457.6052 Office/310.457.1416 Fax

www.esperancecenter.com

Agenda Item No. Th7b
December 13, 2012

December 3, 2012

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project

Dear Commissioners:

As a college student athlete, I am very excited about Pepperdine's Campus Life Project. It brings needed upgrades to the campus, and includes many necessary additions and improvements to the University's athletic facilities, which I am most excited about. Having competed as a Wave with Pepperdine's soccer team, I have had to make difficult choices about how my time is spent on the soccer field versus in the classroom. For my teammates and me, the unlit soccer field has not allowed us the same flexibility that many other college students have in our situation.

Without lighting on our field, my teammates and I have not had the option to practice during the evenings. Many of Pepperdine's world-class programs, like sports medicine, require significant time spent in the laboratory. Cutting into this study period, so that we can practice while the sun is shining makes it much more difficult to follow the rigorous time requirements of these courses. More importantly, most of these classes are only offered during the afternoon, which forces conflicts with the limited practice time we have during the day. As Pepperdine student athletes we have to choose between our academic pursuits and our commitment to our collegiate athletic programs.

Finally, and most importantly, is the issue of team cohesiveness. Many of my teammates have to leave practice early or arrive late, because they are in courses with conflicting schedules, and in result, the flow of our practice is thrown off and our cohesiveness suffers. A team that can't practice together doesn't know how to work together when it counts. Having lights on the soccer field means practice can be held later in the day, avoiding most of these conflicts.

Since most classes I have had to take to graduate are only offered during the day, I have been forced to sacrifice critical learning time so that I could practice the sport that I love. With the new Campus Life Project, students like me won't have to make this trade off. Instead, they can enjoy world-class education while still managing to fit in important athletic pursuits in the evening. I believe both academics and athletics make us better, healthier citizens and students. I urge you to support the Campus Life Project so that students will not be forced to choose between graduating on time and playing the sports they love.

Sincerely,
Kristine Hilliard, Pepperdine Undergraduate, Member Pepperdine Women's Soccer Team

Hearing Date: December 13, 2012
Agenda Item No. Th7B

December 4, 2012

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project Item No. Th7b; December 13, 2012

Dear Commissioners:

My name is Daniel Blakey and though not a member of any of our NCAA Division 1 level sports teams, I am the Lacrosse Team President and therefore am heavily involved with club sports here at Pepperdine. I am writing in support of the Pepperdine Campus Life Project. Much of the discussion of improvements to University athletics facilities often focuses on how the facilities will further help NCAA teams become more competitive. While this is an important aspect, the Campus Life Project provides an additional benefit – a new intramural sports field, which will benefit non-collegiate athletes like me. Club sports are altogether overlooked here, both by the administration and by the student body. This is because, in large part, we don't have any facilities to call our own. This sports field would do great things for our cause.

Most other top universities take their club sports very seriously, because they understand the benefit of having those teams on campus. Pepperdine's effort to equalize themselves with these other universities should be recognized. With improved facilities, our club sports would be able to reach a new potential far beyond where we are currently being held. Not only would student life be directly and positively affected, Pepperdine's national awareness would also increase. This intramural sports field would be the first step in Pepperdine Club Sports becoming competitive with those other top universities. I also believe this field would open Pepperdine to a whole new pool of well-rounded applicants, who are still interested in playing their sport of choice competitively, although not at the Division 1 level.

I support this project because it creates a space that doesn't currently exist on campus. This space is crucial to my lacrosse team, and club sports teams in general, effort to be the best we can be. It will allow us to stop surviving and begin to thrive. During my time at Pepperdine, this is the one area of campus life where I really see a need. There is no practice or game field that club sports can claim as their own. On top of that, there is an obvious lack of field and gym space for the non-sports playing student body. This new intramural sports field would be so valuable for the student life here at Pepperdine. I hope you will support this important project and I thank you for your consideration.

Sincerely,

Daniel Blakey

Daniel Blakey

Agenda Item No. Th7b
Hearing: December 13, 2012

December 4, 2012

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project **Item No. Th7b; December 13, 2012**

Dear Commissioners:

My name is Zahra Madraswala and I am writing in support of my University and our Campus Life Project. As a student on campus, I have so much to be thankful for. I am able to attend a beautiful University set on the California Coast with dedicated and thoughtful professors and staff. I am very lucky.

What I love about the Campus Life Project is the investment in open gathering spaces. As beautiful as our campus is, there aren't a lot of places to enjoy fellowship with students outside. We feel the lack of a central location, a place to study outside, gather with friends, meet for coffee, or just enjoy the company of the people we meet on campus. The Campus Life Project addresses this need by turning a surface parking lot into a central quad, which I am excited to see become the heart of this campus. I want you to know that this plan will make a difference in my life, in the lives of my fellow students, and those yet to come. I ask that you move to approve this project.

Sincerely,

Zahra Madraswala

Agenda Item No. Th7b
Hearing date: December 13, 2012

December 3, 2012

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project
Item No. Th7b; December 13, 2012

Dear Commissioners,

On behalf of Pepperdine students, I would like to express my support for the Campus Life Project and ask that the Commission approve this important project. Attending Pepperdine University is one of the best decisions I have made in my life thus far. When I was searching for a college that would be the right fit for me, I wanted to find a university with a personal feel, where my education would be tailored to fit my needs. I found all of that and much more in Pepperdine University. The staff and professors are exceptional and the feeling of community is powerful on campus.

But what we learn doesn't begin and end with books. This University asks us to be more. They ask us to see ourselves as stewards of the environment and ask us to realize that we all are responsible for each other. I can't imagine attending school anywhere else. I support my University and their desire to improve our campus. As wonderful as the University is, some of our campus buildings are outdated and it would be great to update dorms on campus, add a new central quad and gathering space. I know that I would personally benefit from these additions and I also know that our University is dedicated to stewardship and all work will be handled responsibly and as sustainably as possible.

As a Resident Advisor for the past two years, it is my responsibility to report damage and maintenance concerns in the student living areas on campus. Through my work I have noticed that some of the dorms are badly in need of an update, and I believe that improving these community areas would help students to feel at home on campus. Another dimension of my work as a Resident Advisor is to facilitate community building in the dorms. I am convinced that creating new centralized areas for students to congregate would help further improve the spirit of camaraderie and school pride that is already present here on campus.

As a voice for the Pepperdine student community, I want to personally thank you for your consideration of the Campus Life Project. I look forward to seeing the ways this project will enhance the Pepperdine experience as we continue to grow as a top-ranked University.

Thank you,

Natalie Forde

December 4, 2012

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project Item No. 7b; December 13, 2012

Dear Commissioners:

I am currently an undergraduate biology student at Pepperdine University. Pepperdine's excellent biology program teaches its students to be environmental stewards, focusing on understanding the complexity of biological systems. I decided to attend Pepperdine not only because it is a beautiful place to live, but also for the strength of its biology curriculum and the opportunity it afforded me to work with professors like Stephen Davis, Lee Kats, and Karen Martin.

While still in high school I contacted Dr. Kats and immediately joined his research lab, and I have continued to be a part of his lab as well as the lab of Dr. Davis. A large portion of the research we do in Dr. Kat's lab deals with local streams and tracking the health of the populations that inhabit these streams, which is of course important not only to curious science students but also to anyone and everyone interested in maintaining a healthy environment. The generosity of these professors and their willingness to have such young students in their labs has afforded me the opportunity to learn and grow immensely in the short amount of time I've been at Pepperdine.

I had the privilege of having Karen Martin as a professor last year. She is a dedicated leader in protecting and better understanding the Coastal environment. Her research into the California grunion has helped shaped the way we understand such a fascinating species and as a student I was fortunate enough to participate in this incredible learning opportunity. It is clear that she is incredibly passionate about protecting the grunion, and her love for the fish is contagious. This summer she offered her time to take myself and a group of my fellow research students on a Grunion Run. It was such a neat thing to witness and seeing the fish up close really gave me an understanding of why she cares so much about protecting them and why we should all care. At Pepperdine, researchers and leaders such as Dr. Martin are welcome and their research embraced because environmental stewardship is an important cause to the University.

As a student, I can assure you on campus sustainability is a rallying cry. We take our responsibility to the environment very seriously and that is absolutely reflected in the Campus Life Project which seeks to improve University facilities and ready them for the next generation of professors and students who are and will continue to make a profound difference in environmental leadership and research.

The project is green, sustainably smart, and will go a long way to ensure that important work continues on this campus for years to come. I believe this Project is much needed,

not only because it helps the University grow responsibly, but also because it helps ensure Pepperdine's ability to attract leaders like Karen Martin and environmentally-minded students like me.

On behalf of myself, fellow students who participate in research with distinguished professors like Dr. Martin, and students yet to come, I hope that the Coastal Commission will strongly endorse and swiftly approve the Campus Life Project.

Taylor Stucky
Biology Major
Class of 2015

December 5, 2012

Hearing Date: December 13, 2012
Agenda Item No. Th7b

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project - Item No. Th7b; December 13, 2012

Dear Commissioners:
The importance of the environment to sustaining human life and paving the way for future generations cannot be stressed enough. As our civilization continues to grow, it thus becomes important that we are mindful of our effect on the environment and the pollution that we may cause. Our children and grandchildren look to us to be an example. I support Pepperdine University and the Campus Life Project because it is an example to future generations of being environmentally responsible while equipping students for more dynamic learning. This is expressed in the steps they are taking to decrease light pollution: a type of pollution which is often overlooked, yet still has damaging effects on the environment.

As part of the project, I understand that Pepperdine will be removing outdated lighting on campus and replacing it with environmentally sensitive lighting that uses less energy and is shielded to decrease light pollution. This update will increase the efficiency of the lights on campus, while also preventing unnecessary and unwanted light exposure to the natural environment.

This technology will benefit all of Malibu by seeking to minimize the disruption of the ecosystem and of the night sky. Actions like these speak louder than words and showcase Pepperdine as an important and committed community partner for responsible, service oriented development. This is service which Pepperdine University expresses not only to its students, but to the environment and the community as a whole. The Campus Life Project is an important step to environmental sustainability and I believe the Commission should move to approve this project.

Thank you,

Michael T. Reid

PEPPERDINE UNIVERSITY

Seaver College

DEAN OF STUDENT AFFAIRS OFFICE

December 4, 2012

Agenda Item No. Th7b
(Hearing: December 13, 2012)

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Pepperdine University Campus Life Project Item No. Th7b; December 13, 2012

Dear Honorable Commissioners:

As the Dean of Student Affairs at Pepperdine University, I am responsible for each and every student that makes up one of the finest student bodies in the nation. They are the heart of our educational enterprise and the reason we do what we do. At Pepperdine University we know our responsibility extends beyond the classroom as we strive to educate the whole student, investing in their emotional, physical, spiritual and educational growth.

The Campus Life Project is our investment in them. But it's more than an investment, it's a promise to the students here today and those coming tomorrow.

The residential improvements and upgrades will allow us to house additional students on campus, enriching their collegiate experience and furthering their education. Equally important, studies show us that students who live on campus perform better academically than their off-campus counterparts.

The additional beds on campus and the refreshing of current housing will allow us to update our offerings, connecting students with the technologies they need to succeed in the world today, and that they rightfully have come to expect.

On behalf of the student body, I would ask the Commission to allow us to invest in our students and improve the quality of our education in a smart and meaningful way.

Sincerely,

Mark Davis
Dean of Student Affairs

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