

CALIFORNIA COASTAL COMMISSION
South Central Coast Area
89 S. California Street, Ste 200
Ventura, CA 93001-2801
(805) 641-0142

RECORD PACKET COPY

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September 19, 1996

TO: Commissioners and Interested Persons

FROM: Steve Scholl, Deputy Director
Gary Timm, District Manager
Rebecca Richardson, Coastal Program Analyst

RE: **Notice of Impending Development 1-96, Pursuant to the Pepperdine University Certified Long Range Development Plan (LRDP) for Public Hearing & Commission Action at the meeting of October 9, 1996 in Los Angeles.**

SUMMARY AND STAFF RECOMMENDATION

The impending development involves the remediation of a landslide located behind two residential faculty housing units (LRDP facility 154) which are located within the confines of the Malibu Country Estates subdivision. The remedial project consists of removing a soil slip and replacing the soil on the slope and estimates the removal of 6,742 cu. yds. and the replacement of 5,270 cu. yds. (12,012 total cu. yds. grading). The excess soil will be stockpiled on the campus (472 cu. yds. of material). The impending development also includes bench drains, a 24 inch slough wall and landscaping of the slope.

The notice was received in the South Central Coast Office on September 17, 1996 and deemed filed on September 19, 1996. Pepperdine has indicated that notice of the impending development will be mailed, pursuant to California Code of Regulations §13549(b), on September 24, 1996 and that the impending development will begin no sooner than October 24, 1996. Staff is recommending that the Commission **approve** the impending development with special conditions regarding landscaping and erosion control and location of stockpile site which are necessary to bring the development into conformance with the certified Pepperdine University LRDP. (Exhibits are attached.)

Additional Information: Please contact Rebecca Richardson, California Coastal Commission, South Central Coast Area, 89 So. California Street, Second Floor, Ventura, CA. (805) 641-0142.

I. Procedure

§30606 of the Coastal Act and Article 14, §13547 through §13550 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified LRDP. §13549(b) requires the Executive Director or his designee to review the notice of impending development (or development announcement) within ten

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days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified LRDP. The notice is deemed filed when all necessary supporting information has been received.

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

II Staff Recommendation: Motion and Resolution

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

Motion: I move that the Commission determine that the development described in the Notice of Impending Development 1-96, as conditioned, is consistent with the Certified Pepperdine University LRDP.

Resolution: The Commission determines that the proposed Impending Development 1-96, as conditioned, is consistent with the Certified Pepperdine University LRDP for the reasons discussed in the findings herein.

III. Special Conditions

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

1. Prior to the commencement of construction the University shall submit, subject to the review and approval of the Executive Director, a landscaping, irrigation and fuel modification plan including the amount of water to be delivered to landscaped areas, which has been reviewed and found acceptable and consistent with the recommendations to ensure slope stability and minimize erosion set forth by the geotechnical consultant (California Geotechnical Corp.). The landscape architect shall verify that the plan incorporates the use of drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. The plan shall also incorporate a temporary, drip irrigation system or hand watering to water the new plantings on the slope and short-term slope stabilization measures, such as the application of geotextiles, shall be utilized to minimize erosion

while plants become established. Planting of the graded slope shall occur within 30 days of the grading completion.

2. Prior to the commencement of construction the University shall submit, subject to the review and approval of the Executive Director, the location of the stockpile site intended for the temporary retention of excess soil material. Should this site be a new campus location, the Executive Director shall determine whether the University will need to amend the LRDP.

Findings and Declarations

The Commission finds and declares as follows:

A. Background

On September 12, 1989, the Commission denied the Pepperdine University LRDP as submitted and approved it with suggested modifications necessary to bring the LRDP into conformance with the Coastal Act. On February 7, 1990, the Board of Regents of the University acknowledged the receipt of the Commission's certification and agreed to the terms of the modifications to the LRDP. On April 12, 1990, the Commission concurred with the Executive Director's determination that the Board's action accepting the certification was legally adequate and sent such determination to the Secretary of Resources thereby effectively certifying the LRDP. The LRDP was subsequently amended five times and the University has processed five notices of impending development.

The most recent amendment (1-93) and notice of impending development (1-93) involved, in part, the construction of two 4,000 sq. ft. faculty units (LRDP Facility 154) and the subdivision of a 2.28 acre parcel from the 830 acre campus to accommodate the homes. The homes have been constructed. The subject impending development involves the slope located immediately north (behind) these homes.

Subsequent development where there is a certified LRDP can not be denied. It can only be conditioned when necessary to bring the development into conformity with the certified Plan, pursuant to §13550 of the California Code of Regulations and Public resource Code §30605 and §30607.

B. Description of Impending Development

The impending development includes the stabilization of a landslide located on the slope behind two faculty homes, identified as LRDP facility 154. The remedial work consists of removing a soil slip and replacing the soil on the slope. The grading plan estimates the removal of 6,742 cu. yds. of material and the replacement of 5,270 cu. yds. of material (12,012 total cu. yds. grading). The excess soil will be stockpiled on the campus (472 cu. yds. of material). Pursuant to the Commission's determination of consistency with the University's LRDP under notice of impending development 1-92, the original campus

debris basin, located immediately north of the developed campus was cleared out to construct a parking facility. Since this debris basin was also used to stock pile excess soil material that resulted from campus development, a new stockpile location must be sought. Should this site be located on the campus, it is likely that the University will need to amend the LRDP. The impending development also includes bench drains, a 24 inch slough wall and landscaping of the slope.

Given that this project involves the remediation of a slope, Los Angeles County Department of Regional Planning is not required to review the project. The faculty homes (LRDP facility 154) adjacent to the slope were, however, reviewed by Regional Planning in 1993, when the County determined a negative declaration would be required for the homes and approved a conditional use permit and tentative parcel map. The University is currently working with Los Angeles County Building and Safety Department.

C. Compliance with the Certified LRDP

§30606 of the Coastal Act states that the University shall be responsible for notifying the Commission, other interested persons, organizations and governmental agencies of the impending development and provide data showing the project's consistency with the certified LRDP. The University has prepared a development announcement signed by the Executive Vice President of the University for the proposed remediation dated September 18, 1996. On May 4, 1994, the Board of Regents of the University adopted a resolution which authorized the Executive Vice President of the University to have the legal authority to initiate impending development and to bind the University to any special conditions imposed by the Commission associated with such a notice. Therefore, the development announcement signed by the Executive Vice President in place of a resolution by the Board of Regents is considered legally adequate to authorize the University to proceed with the development.

D. New Development

§30250(a) of the Coastal Act states that new development shall not overburden the public infrastructure and be located where it will not have significant individual or cumulative adverse effects on coastal resources. In the LRDP, the first policy under section IV. New Development states that, "All future development will incorporate measures to mitigate and/or prevent significant damage to the environment." Further, Section XI., Hazards and Safety identifies fires, landslides and seismic activity as potential hazards to University life and property. Specifically, the section goal states, "It is the goal of the University to protect all of the individuals on campus, and all structures from the threat of fires, landslides and seismic activity."

As stated in the description of the development, the proposed project involves remediating a landslide which threatens two faculty housing units. Further, the project includes constructing drainage devices and a 24 inch high slough wall. The slope repair is located adjacent to the Malibu Country Estates subdivision, which was developed in

approximately 1971. Some evidence exists that either or all of the slope or a portion of the slope was improved during the time of the subdivision's construction. However, the area of overexcavation and benchdrain construction is approximately 15,000 sq. ft. and appears to extend beyond the limits of the grading done for the subdivision. Therefore, the project is considered new development.

In comparing the project against the certified LRDP, it is necessary to look to the policies contained in the Plan rather than approved facilities since hazards such as landslides could not be, with complete certainty, contemplated at the time the Plan was certified by the Commission. The Hazards and Safety section of the LRDP, as cited above, strongly indicates that remedial projects, such as the project described under this notice are allowed under the LRDP.

With regard to the excess soil material which equals approximately 472 cu. yds. of material, the University has stated that this material will be utilized elsewhere on the campus. When the LRDP was certified by the Commission, proposed future facilities involved total campus grading that was balanced. The debris basin, which was used also as a stockpile site for extra soil material, was constructed in 1971 and was completely cleared out when the University constructed the parking facility component of notice of impending development 1-92. Therefore, in order to insure that any future location of stockpiling of excess soil material is consistent with new development, hazards and safety and visual resource sections of the LRDP, the University must submit the location of the stockpile site intended for the temporary retention of excess soil material prior to commencing development. Should the site be a new campus location, it is likely the University will need to amend the LRDP. In the case of an amendment, the proposed location would be considered for consistency with the applicable Charter 3 policies of the Coastal Act. Therefore, only as conditioned, is the notice of impending development consistent with the LRDP.

E. Hazards and Visual Impacts

The LRDP contains several policies and goals which, consistent with §30253 and §30251 of the Coastal Act, require that new development not create or contribute to geologic instability and that natural landform alteration be minimized. Specifically, Section XII. Visual Resources, second policy, states, "Construction will be designed to generally complement the unique area landforms and to preclude any development requiring major modification to the natural environment." Furthermore, as stated in the preceding section, the goal of the University as mandated in Section IX Hazards and Safety of the LRDP, is to protect all structures from the threat of fires and landslides.

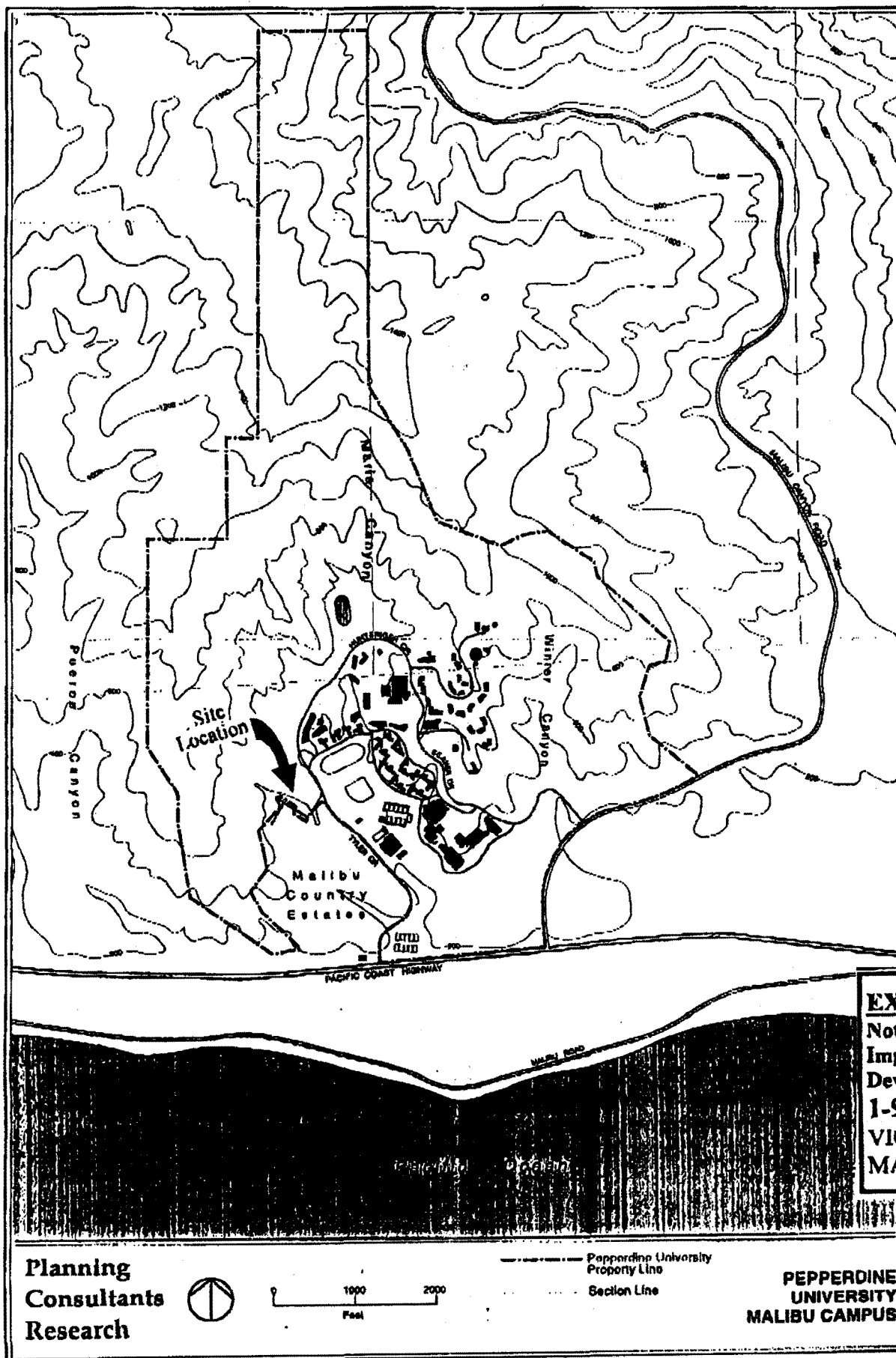
The remedial work is proposed adjacent to two faculty homes (LRDP facility 154) that are located within the confines of Malibu Country Estates subdivision. Thus, these homes are in close proximity to the existing developed campus area which has been extensively graded and recontoured by the movement of over one (1) million cubic yards of earth during the original campus grading prior to the Coastal Act. As stated in the

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LRDP, portions of the developed campus land previously contained active landslides and those slides were remediated during campus construction.

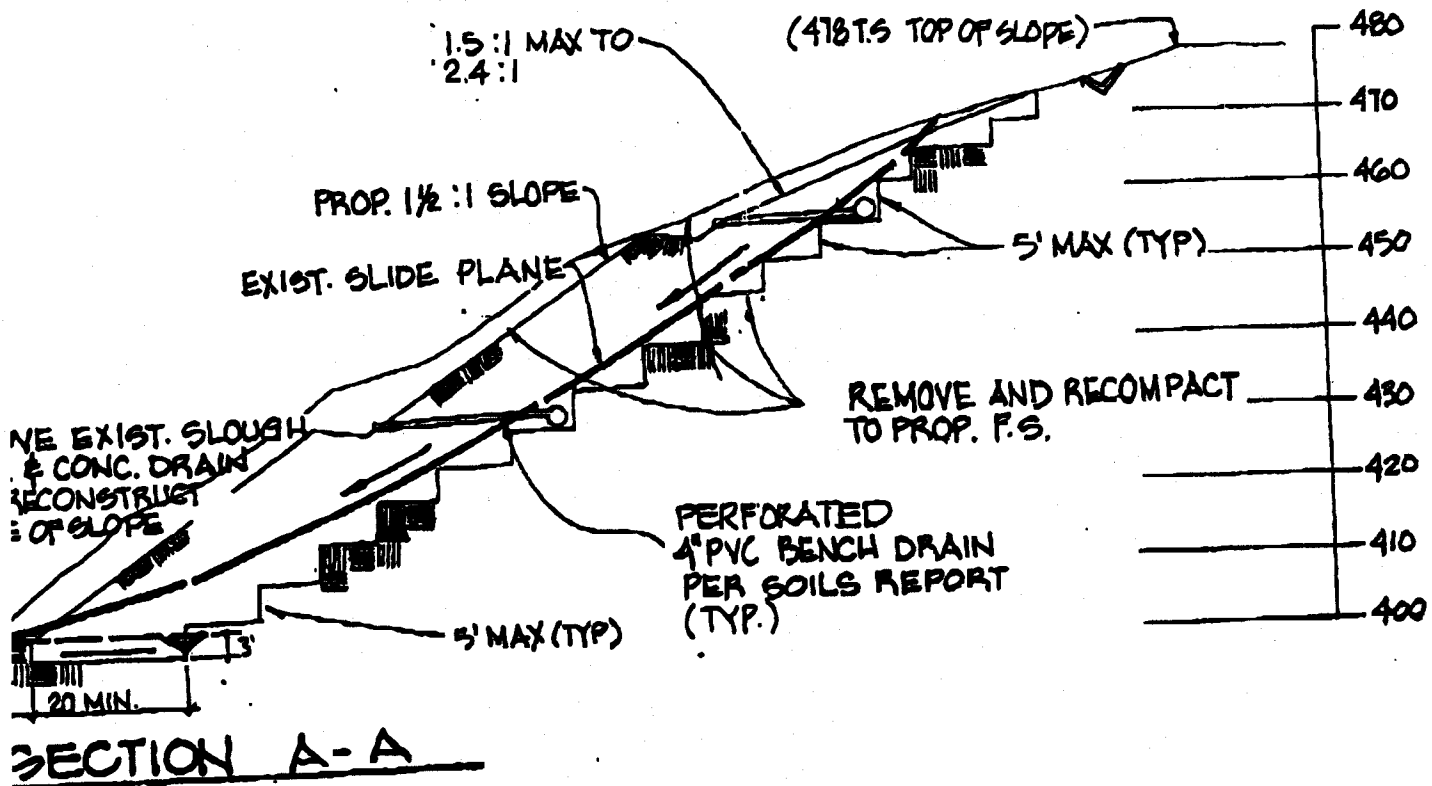
The slope subject to the notice, was cut in approximately 1971 during the construction of the subdivision. Under notice of impending development 1-93, the Commission found that the two faculty units (facility 154) were consistent with the LRDP subject to special conditions. Under that notice (1-93), the University submitted two reports which included a geotechnical engineering report and a engineering geologic report. In these reports, the consultants to the University identified landslide debris on the slope but did not recommend that the University remediate the slope. Subsequent to the construction of the homes, the slope became unstable and pursuant to the recommendations made by California Geotechnical Corp. remediation to insure protection of the adjacent homes is necessary. Given that the project involves the overexcavation of an approximate 15,000 sq. ft. area with bench drain improvements that appears to be beyond the scope of the grading performed for the subdivision in 1971, the University was required to notice the development.

With regards to visual resources and erosion control, the University has indicated that both landscaping and drainage improvements will be performed after the grading is completed. The impending slope repair is proposed at a gradient of 1.5:1 (horizontal:vertical) and involves a total of 12,012 total cu. yds. grading (6,742 cu. yds. cut and the replacement of 5,270 cu. yds.). The maximum height of the cut slope is 75 ft. and may be visible from Pacific Coast Highway. Natural drainage that occurs over the slope face will be collected by the bench drains and directed to paved swales that will be located adjacent to the slough wall. Drainage off the slope will ultimately be directed to Laurel Ridge Drive. In order to insure that the landscaping which will occur will not adversely impact the area's visual resources and will be implemented consistent with the consulting geotechnical engineers' recommendation, the Commission finds the submittal of the landscaping plans prepared as outlined in special condition #1 is necessary. As conditioned, the notice of impending development is consistent with the certified LRDP.



LEGEND:

- (420) CONTOUR ELEVATION
 --- CONTOUR
 --- FLOW LINE
 --- 8" BLOCK WALL EXIST
 ---X---X CHAINLINK FENCE
 --- 8" BLOCK WALL (NEW)



NOTE:

CONTRACTOR SHALL HYDROSEED WITH NATIVE PLANTS

OWNER WILL IRRIGATE AS REQUIRED TO ESTABLISH GROWTH.

ALL SLOPE PLANTING AND IRRIGATION SHALL BE IN ACCORDANCE WITH SECTION 7019 OF THE UNIFORM BUILDING CODE.

EXHIBIT 2

Notice of
 Impending
 Development
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 CROSS
 SECTION OF
 SLOPE WORK

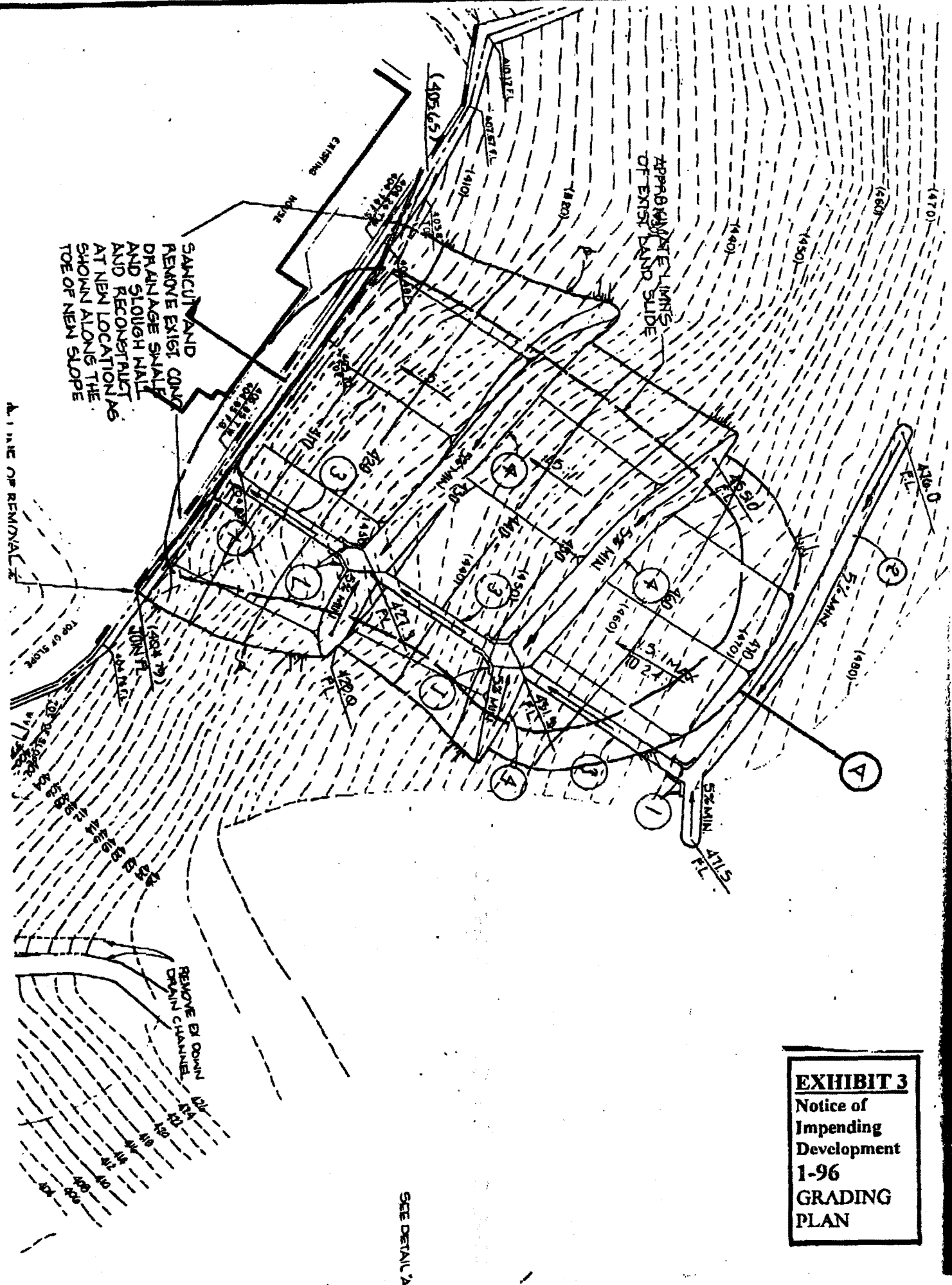


EXHIBIT 3
 Notice of
 Impending
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 GRADING
 PLAN