

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

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January 21, 1998

TO: Commissioners and Interested Persons

FROM: Chuck Damm, Senior Deputy Director
Gary Timm, District Manager
Rebecca Roth, Coastal Program Analyst

SUBJECT: **Proposed Major Amendment (2-97)** to the Pepperdine University Long Range Development Plan to be reported at the February 5, 1998 Commission Meeting at Quality Resort - Mission Valley, 875 Hotel Circle South, San Diego.

SYNOPSIS

The proposed amendment request involves the construction and use of a 37,000 sq. ft. stockpile site that would accommodate up to 23,000 cu. yds. of fill material. In 1971, the County of Los Angeles allowed for the construction of a stockpile site that accommodated approximately 36,000 cu. yds. of material. In 1996 the University constructed a parking lot in the location of this stockpile site. Subsequently, the University identified a need to relocate this stockpile site in order to retain graded fill material for future use of campus development. The certified LRDP allows for the future construction of 1.2 million square feet of campus facilities and 3 million cubic yards of grading. The stockpile site will be used to retain fill material necessary for future campus construction and for maintenance purposes. Long Range Development Plan (LRDP) Facility 480, which is the proposed stockpile site, would be located approximately 100 ft. north of the previous stockpile site and within an undeveloped portion of the campus. The proposed site is not visible from any public vistas, existing trails or future trails.

Additionally, the University proposes to amend the LRDP map to reflect the actual location of the equestrian facility (LRDP Facility 357). When the LRDP was certified, the Coastal Commission approved the plan to allow the University to relocate the existing equestrian facility to the undeveloped area known as the Upper Campus. As proposed, the equestrian facility would not be developed as a part of the future Upper Campus Development Plan. Instead of relocating the facility, the University proposes to maintain the equestrian facility in the same location as where it currently exists. The map change proposed by this project will therefore reflect what currently exists.

Finally, the University proposes to amend the LRDP to add policy language which clarifies that certain routine maintenance and ancillary activities are exempt from review by the Coastal Commission. Such activities, which are described in the report (see Appendix A), involve repair and maintenance activities that are typically exempt from Coastal Commission review pursuant to Section 13252 of the California Code of Regulations.

The proposed LRDP is inconsistent with the Coastal Act as submitted because the inclusion of the stockpile site as development on the campus will adversely impact the upland habitat found on the campus and is inconsistent with Section 30240 of the Coastal Act and because the policy language intended to clarify which maintenance activities are to be considered as exempt from Commission

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

review lack specificity which otherwise could result in development that is inconsistent with Sections 30230, 30231, 30235, 30240 and the public access polices of the Coastal Act.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **deny** the amendment to the certified LRDP as submitted; then **approve, only if modified**, the amendment to the LRDP. The modifications are necessary because, as submitted, the LRDP amendment is not consistent with the Chapter 3 policies of the Coastal Act. **The motions to accomplish this recommendation are found on pages 3 and 4. The suggested modifications are found on pages 4 through 6.**

STANDARD OF REVIEW

The standard of review for the proposed amendment to the certified LRDP, pursuant to §30512(c) of the Coastal Act, is that the proposed amendment is in conformance with the Chapter 3 policies of the Coastal Act.

PUBLIC PARTICIPATION

§30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LRDP. The University circulated a Notice of Preparation and a Draft EIR. In addition, the University held a public hearing and received written comments regarding the project from public agencies, organizations and individuals. The hearing was duly noticed to the public consistent with §13552 and §13551 of the California Code of Regulations which require that notice of availability of the draft LRDP amendment (LRDPA) be made available six (6) weeks prior to the Regents approval of the LRDP amendment and Final EIR. Notice of the subject amendment has been distributed to all known interested parties.

PROCEDURAL REQUIREMENTS

Pursuant to §13551(b) of the California Code of Regulations, the University resolution for submittal must indicate whether the LRDPA will require formal adoption by the Board of Regents after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code §30512, §30513 and §30519. Because this approval is subject to suggested modifications by the Commission, the University must act to accept the adopted suggested modifications within six months from the date of Commission action before the LRDPA shall be effective and the requirements of §13544, which provides for the Executive Director's determination that the University's action is legally adequate, must be fulfilled.

I. ACTION ON PEPPERDINE UNIVERSITY LRDP AMENDMENT 2-97

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

A. RESOLUTION I Resolution to deny certification of the Pepperdine University Long Range Development Plan Amendment 2-97, as submitted

MOTION I

I move that the Commission **certify** the Pepperdine University Long Range Development Plan Amendment 2-97, as submitted.

STAFF RECOMMENDATION

Staff recommends a **NO** vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

RESOLUTION I

The Commission hereby **denies certification** of the Pepperdine University Long Range Development Plan Amendment 2-97 and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and conform with the policies of Chapter 3 of the Coastal Act, and approval of the amendment as submitted will have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act. There are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant adverse impacts which the approval of the Long Range Development Plan amendment would have on the environment.

B. RESOLUTION II Resolution to approve certification of the Pepperdine University Long Range Development Plan Amendment 2-97, if modified.

MOTION II

I move that the Commission **certify** the Pepperdine University Long Range Development Plan Amendment 2-97, if it is modified in conformity with the suggested modifications set forth in this staff report.

STAFF RECOMMENDATION

Staff recommends a **YES** vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

RESOLUTION II

The Commission hereby **certifies** the Pepperdine University Long Range Development Plan Amendment 2-97 for the reasons discussed below, on the grounds that the amended Long Range Development Plan meets the requirements of and conforms to the Chapter 3 policies of the Coastal Act if modified according to the suggested modifications stated in Section II of this report. The Long Range Development Plan amendment, if modified, will not have significant environmental effects within the meaning of the California Environmental Quality Act. The Commission further finds that if the University adopts and transmits its revisions to the amendment to the Long Range Development Plan in conformity with the suggested modifications, then the Executive Director shall so notify the Commission.

II. SUGGESTED MODIFICATIONS

The staff recommends the Commission certify the following, with modifications as shown. Language proposed by the Pepperdine University in the subject LRDP amendment and language presently contained within the certified LRDP is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line-out~~. Language proposed by Commission staff to be **inserted** is shown in **boldface italics**.

Modification 1

Throughout the life of the project, the University shall undertake routine maintenance activities in such a manner to ensure that each action has the least affect on the environment both in developed and adjacent areas. Activities that are **exempt from Coastal Commission review, pursuant to Section 13252 of the California Code of Regulations and that are** expressly approved under this policy include, ~~but are not limited to,~~ the following:

- Subdrain repair and installation in previously disturbed areas, or in areas that do not support jurisdictional waters, **environmentally sensitive habitat areas** and wetlands;
- Slope repair or improvement of previously graded areas, including slopes planted with native vegetation within the developed portion of the Campus. **Slope repair involving the Upper Campus Development shall not be considered routine maintenance or exempt from review by the Coastal Commission.** All such work shall be followed with appropriate revegetation **of native plant species**;
- Infrastructure repair or installation of electric, gas, water, communications, or other utility lines within existing roads, previously disturbed areas, the developed portion of the Campus, or minor work in natural areas;

- Installation of refuse and recycling receptors, bins, and platforms shall be allowed as needed within the developed Campus;
- Clean out and maintenance of onsite debris basins and drains may be performed as needed, and in compliance with other state and federal approvals;
- Repair and improvement of roads, ~~parking lots~~, and sidewalk areas shall be allowed using best management practices **including non-point source pollution measures**. Installation of new sidewalks is permitted within the developed Campus area;
- **Repair and improvements involving parking lots, except where such repair requires the closure of a parking lot for more than 2 weeks or where repair adversely impacts public access as determined by the Executive Director of the Coastal Commission.**
- Refurbishing and new landscaping of existing playing fields, and outdoor **athletic facilities and landscaping** shall be permitted ~~if a suitable and approved location exists for any excess fill material~~;
- Brush clearance as required by the Los Angeles County Fire Department;
- **Temporary and interim** ~~R~~rain and runoff mitigation measures and **surficial** erosion repair located **within the developed campus**;
- On-going operations of an approved earthen stockpile; and
- Other minor repair **consistent with Section 13252 of the California Code of Regulations**, or operational activities to maintain Campus grounds and buildings.

All other activities that are not expressly stated in the above policy shall be subject to the review of the Coastal Commission Executive Director for determination as to the whether the activity is exempt or requires the University to process a Notice of Impending Development, pursuant to California Code of Regulations §13549.

Modification 2

Add the following policy to Environmentally Sensitive Habitat Policies, page 21:

- **All development which alters either Marie Canyon blue line stream or any tributary stream corridors of Marie Canyon stream shall mitigate onsite for the removal of habitat.**

Modification 3

Add the following policy to Environmentally Sensitive Habitat Policies, page 21:

- ***Where development will adversely impact environmentally sensitive areas as defined by Section 30107.5 of the Coastal Act or where development will result in the removal of upland vegetation, a restoration/enhancement plan which includes maintenance, monitoring and reporting shall be provided on site to serve to mitigate and minimize said impacts.***

Modification 4

Add the following policy to Environmentally Sensitive Habitat Policies, page 21:

- ***All restoration/enhancement projects performed shall submit to the Coastal Commission Executive Director and to L. A. County Environmental Review Board a final report prepared by a qualified biologist, ecologist or resource specialist, a minimum of five years after project start. The report shall indicate whether the restoration project has, in part, or in whole, been successful based on performance standards required of said project. Projects involving revegetation solely for the purpose of erosion control, ornamental landscaping or student research shall not be subject to the provision of this policy.***

Modification 5

Add the following policy to Environmentally Sensitive Habitat Policies, page 21:

- ***All project mitigation shall occur prior to or concurrent with construction of the development that it is serving to mitigate.***

III. FINDINGS FOR THE APPROVAL OF THE LONG RANGE DEVELOPMENT PLAN IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the LRDP amendment as submitted, and approval of the LRDP amendment if modified as indicated in Section II (*Suggested Modifications*) above. The Commission hereby finds and declares as follows:

A. Amendment Description

Pepperdine University is requesting to amend their certified LRDP to include a new structure, a change to the location of an approved structure and an addition of policy language to the

Specific Goals and Policies Section of the LRDP. The proposed structure involves the creation of a new 37,000 sq. ft. (.085 acre) stockpile site that would accommodate up to 23,000 cu. yds. of fill material. Previously, the University utilized a larger area, immediately adjacent to this project, that was approved by the County of Los Angeles in 1972, prior to the passage of Proposition 20, the Coastal Initiative. The University identified a need to relocate this stockpile site in order to retain graded fill material for future use of campus development. Long Range Development Plan (LRDP) Facility 480, which is the proposed stockpile site, would be located approximately 100 ft. north of the previous stockpile site and within an undeveloped portion of the campus.

The University is proposing to mitigate the impacts of the new stockpile site by restoring 1.2 acres of native habitat adjacent to the proposed stockpile area. However, the area proposed for mitigation is not subject to this amendment, but rather will be reviewed and analyzed for consistency with the certified LRDP under Notice of Impending Development 2-97.

Additionally, the University proposes to amend the LRDP map to reflect the actual location of the equestrian facility (LRDP Facility 357). When the LRDP was certified, the Coastal Commission approved the plan to allow the University to relocate the existing equestrian facility to the undeveloped area known as the Upper Campus. As proposed, the equestrian facility would not be developed as a part of the future Upper Campus Development Plan. Instead of relocating the facility, the University proposes to maintain the equestrian facility in the same location as where it currently exists. The map change proposed by this project will therefore reflect what currently exists.

Finally, the University proposes to amend the LRDP to add policy language which clarifies that certain routine maintenance and ancillary activities are exempt from review by the Coastal Commission. Such activities, which are described in the report (see Appendix A), involve repair and maintenance activities that are typically exempt from Coastal Commission review pursuant to Section 13252 of the California Code of Regulations.

Pepperdine University is geographically located within the physical limits of the City of Malibu but is actually located within the unincorporated Los Angeles County (**Figure 1**). Land uses bordering the Campus include Malibu Country Estates (a residential community), and the Malibu Bluff State Recreation Area. The Pepperdine University Malibu property is approximately 830 acres with an estimated 230 of the southern acres developed. The remaining area primarily consists of southern slopes of the Santa Monica Mountains.

Figure 2 illustrates the location of Facility 480, the proposed stockpile site, on the Malibu Beach U.S.G.S. quadrangle topographic map. The stockpile site is proposed for the north central portion of the Campus, immediately north of Marie Canyon debris basin adjacent to Huntsinger Circle and existing development.

B. 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 six¹ times and the University has processed seven² notices of impending development.

C. Hazards and Environmentally Sensitive Habitat

As stated above, the proposed amendment involves the construction and use of a 37,000 sq. ft. stockpile site (proposed Facility 480) that would accommodate up to 23,000 cu. yds. of fill material. As proposed, Facility 480 would be located adjacent to Marie Canyon Watershed. The University has operated and maintained an earthen stockpile, located next to the Marie Canyon debris basin for ongoing construction and maintenance activities from the early 1970's. Operation of the earthen stockpile has been a necessary ancillary activity of previously approved projects. As the original stockpile site was converted to a parking lot in 1996, a new long-term earthen stockpile site is needed for University operations so that the import and export of fill material on public roads can be avoided. Currently, the University does not have one specific location to store and reuse fill material onsite.

The University has stated that the proposed earthen stockpile relocation was selected as the most environmentally feasible alternative because:

1. The site was located adjacent to an existing debris basin, therefore any increase in erosion downstream would not occur;
2. The site was located immediately adjacent to developed areas of the campus; and,
3. The site was not visible from any public viewsheds and did not require the removal of coastal sage scrub.

Over half of the proposed stockpile site was disturbed by previous grading, thereby reducing potential impacts to native plant communities. Surveys of the selected site revealed that 0.025 acres (1,100 square feet) of jurisdictional, non-wetland waters would have to be filled, making it necessary to obtain authorization to alter the drainage. To this end, the University processed a Section 404 Permit from the Army Corps of Engineers, a Section 1603 Agreement from the California Department of Fish and Game (CDFG), and 401 Certification from the Regional Water Quality Control Board (the Waste Discharge Permit for long-term operation is pending). The University's consultants, Envicom, have stated that the fill

¹ Six amendments includes LRDP 1-97 subject to Commission review and approval at the February 5, 1998 meeting.

² Seven Notices of Impending Development include NOID 1-97 subject to Commission's determination of conformance at the February 5, 1998 meeting.

material to be stored at the stockpile site is not compatible with beach sand material because it is too fine. Therefore, use of any excess fill would not be suitable for sand replenishment.

The ultimate buildout of the stockpile would be reached several years into the future, as the University continues to construct facilities approved in the certified LRDP, and continues to conduct ongoing maintenance activities. As such the stockpile would be constructed in three distinct phases as shown on the stockpile grading plan. Each phase employs progressively more erosion and drainage control measures to ensure stability, to maintain existing drainage patterns, and to minimize erosion and sedimentation. The phases are described below.

- *Phase I* includes preparing the site for 2,300 cubic yards of fill. At that time a 36-inch corrugated steel pipe (CSP) storm drain and a 24-inch CSP lateral would be installed to convey future flows into the Marie Canyon Debris Basin. Rip-rap would be placed at the top of the stockpile to reduce water velocity, and sandbags would be placed on the western and southern edge of the stockpile.
- *Phase II* would increase in size to contain 11,000 cubic yards of fill. The 36-inch and 24-inch CSP pipes would be extended to direct flows using a downdrain to convey water to the Marie Canyon debris basin; additional sandbags would be used on the top and toe of the slopes; a 6-foot swale would be constructed to convey flows from areas northeast of the stockpile into the 36-inch CSP; and a 3-foot wide swale with a drop inlet at its terminus would be constructed to convey flows adjacent to the 12-foot wide access road. A concrete drainage terrace with slash walls would be placed in the southern section of the stockpile with the same drop inlet at its terminus as the 3-foot wide swale.
- *Phase III* would increase in size to contain 23,000 cubic yards in total. All of the same features listed above would remain, and others would be added. For example, the 6-foot swale would be lined with concrete or gunite, and the 3-foot swale adjacent to the road would be extended further north along the 12-foot wide access road. A new terrace drain with splash walls would be added to the southern stockpile area. In addition, a 12-foot high berm would be constructed at the top of the eastern slope.

The University has submitted a computerized photo (Figure 4) to illustrate a possible worst-case buildout (Phase III) of the stockpile. The stockpile would be maintained as a 2:1 slope and accessed by a 12-foot unpaved road from its southern boundary to its northern boundary. Primary erosion/air quality control measures include hydroseeding with rye grass, sandbags, berms, gunite swale, concrete terrace drains, and splash walls. Each is described in detail above, and on the stockpile grading plan.

The Coastal Act requires that marine resources and the biological productivity and quality of coastal streams be maintained, enhanced and restored, where feasible; that environmentally

sensitive habitat areas be protected against any significant disruption of habitat values and that development in areas adjacent to ESHAs be sited and designed to prevent impacts. The Coastal Act also requires that new development minimize risks from natural hazards and neither create nor contribute to erosion, geologic instability or destruction of the site or surrounding area.

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states that:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) 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 recreation areas.*

Section 30253 of the Coastal Act states that:

New development shall:

- (l) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The proposed stockpile would be placed within a minor tributary that currently conveys flow into the Marie Canyon Debris Basin. This flow ultimately reaches the Pacific Ocean. As described in the preceding section Project Description, each phase of the stockpile's construction includes measures to redirect flow into the Marie Canyon drainage basin to prevent sedimentation and erosion. These measures include drainage swales, rip-rap, sandbags, downdrains, and a drainage terrace with splash walls. Natural sediment load contained within the runoff would primarily be deposited within the debris basin. As the basin is maintained, dredged sediment may be placed on the stockpile.

In addition, the stockpile would be located in a ravine which is naturally protected from the effects of wind because of adjacent topography. This would minimize sedimentation of waters flowing through the adjacent Marie Canyon stream channel.

As discussed above, the project requires the alteration of a short section of a minor tributary. To minimize this alteration, the stockpile was designed to be perpendicular to the existing drainage rather than within and parallel to the direction of the drainage. This design results in impacts to about 0.025 acres of non-wetland/non-riparian jurisdictional waters. The University contends that there are no other previously disturbed areas within the campus that would be suitable for the proposed stockpile project. Further, the University has stated that because similar minor tributaries occur throughout the immediate area of the proposed site, shifting the location of the stockpile within the vicinity would not avoid the alteration of existing drainages.

A geotechnical review of the proposed stockpile area was performed based upon the preliminary grading plan. This review included site observations, review of past geotechnical work performed in this area, and analysis of data. The subject area is underlain by alluvium. Sespe Formation bedrock and landslide material are found on the adjacent descending hillside. The primary issue for this project is slope stability. Since the stockpile would be located in the toe area of the slope, the weight of the stockpile would not increase the driving force of landsliding but rather increase the resisting force. The proposed stockpile would not adversely impact the stability of the existing slope and may benefit the overall stability of the adjacent descending slope. The stockpile area would not undergo surface grading or changes in existing contours. In addition, the design of the stockpile and erosion control measures (i.e., hydroseeding with rye grass, drains, splash wall, etc.) will ensure no flood, fire, or geologic hazards would increase. The proposed mitigation of the hillside erosional feature would also restore the natural drainage flow of a tributary in this area. This mitigation is subject to the Commission's review under NOID 2-97.

The proposed amendment will allow the construction of a stockpile site within a minor tributary of Marie Canyon and adjacent to the Marie Canyon watershed. The tributary is not considered an environmentally sensitive area as defined by Section 30107.5 of the Coastal Act. However, the Commission has consistently required that upland habitat be protected and that development be sited to maintain large undisturbed habitat areas to the maximum extent feasible. Furthermore, construction will result in the disturbance of .085 acre of the site including the fill of .025 acre of non-wetland waters. For these reasons the Commission finds that the proposed amendment is not consistent with the above cited Coastal Act policies regarding the protection and enhancement of marine resources and environmentally sensitive habitat unless adequate mitigation is provided as part of the proposed project.

As indicated above, the University is proposing to restore 1.2 acres of native habitat adjacent to the site. However, this proposed restoration is not part of the amendment request. Therefore, in order to ensure that the restoration project is completed and successful in the long term suggested modifications 2 through 5 are recommended. These modifications will require on-site mitigation for the removal of any habitat resulting from the alteration of the Marie Canyon blue line stream or any tributary or any other adverse impacts to on-site environmentally sensitive habitat. Said mitigation will consist of preparation and implementation of a restoration and enhancement plan which includes ongoing maintenance, monitoring and reporting subject to final approval by the Executive Director and the L.A. County Environmental Review Board. Further, suggested modification 1 will ensure that routine repair and maintenance activities which may be determined to be exempt from future permits from the University and subsequent Coastal Commission Review will not include such activities which potentially may contribute or cause adverse impacts to environmentally sensitive habitat consistent with the requirements of Section 13252 of the California Code of Regulations. Only if modified as suggested does the Commission find the proposed amendment consistent with Sections 30230, 30231, 30240, and 30253 of the Coastal Act.

D. Visual Resources

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Analysis:

The University conducted an analysis to assess the proposed project's potential effects on scenic coastal views which (1) identified key views in the project area based on viewshed boundaries shown in the Malibu Local Coastal Plan (LCP) (**Figures 2 and 3**) including views from scenic highways and publicly available recreation areas; (2) determined a lack of project visibility in the key views, a terrain profile (cross-section), and line-of-sight analyses; and (3) assessed the effect of the project on these views based on the degree to which it would obstruct views of the ocean or otherwise deteriorate the overall scenic quality of the view. The following presents the results submitted by the University and verified by Commission staff of this analysis and also discusses alterations of land forms associated with the project and its visual compatibility with the character of surrounding areas.

Views from Pacific Coast Highway

The Pepperdine University campus borders the north side of PCH for about 1,920 feet between Malibu Canyon Road and Tyler Drive. PCH descends in a westerly direction from an elevation of 201 feet to 163 feet over this distance. Foreground terrain elevation near PCH, campus buildings and landscaping all combine to block views of the entire project vicinity in Marie Canyon north of Huntsinger Circle. (**Figure 4**)

Views from Malibu Canyon Road

The viewshed west of Malibu Canyon Road through Malibu Canyon is limited in extent along much of its course by the steep road-side terrain. From Seaver Drive south to PCH the University's terrain decreases steadily in elevation and becomes more gently sloping. Views of the project site are not available from Malibu Canyon Road due to the elevation of the existing campus terrain that intervenes between Malibu Canyon Road and the interior location of the proposed project in the bottom of Marie Canyon.

Views from Inland Equestrian and Hiking Trails

The Los Angeles County Department of Parks and Recreation's Riding and Hiking Trails Master Plan, the Malibu LCP, and the City of Malibu Draft General Plan identify two trail routes in the project vicinity – the Mesa Peak Lateral Trail and the Coastal Slope Trail.

The Mesa Peak Lateral Trail is an existing trail that generally follows a route along and slightly north of the ridgeline crest that forms the drainage divide between the Malibu Significant Ecological Area (SEA) #5 and Pepperdine University property (**Figure 5**). The ridgeline ranges in elevation between 1,225 and 750 feet higher than those of the project. The site, at the base of Marie Canyon, is not visible from the Mesa Peak Lateral Trail and therefore the proposed stockpile would not interfere with coastal views from the trail. (**Figure 4**)

The Coastal Slope Trail is a County-planned trail for which Pepperdine University has dedicated an easement (the University would not be involved in the construction of the trail beyond providing the easement). The alignment of the trail between the Mesa Peak Lateral Trail and Puerco Canyon (west of the university) must be considered somewhat tentative as conceptual or "planned" routes for the trail show it traversing very steep slopes at the head of Marie Canyon. Through its descent in elevation from 1,300 feet near the likely junction point with the Mesa Peak Lateral Trail, the Coastal Slope trail would exit the western boundary of Pepperdine University's property at an elevation close to 1,085 feet. The project site is tucked against the base of slopes at the bottom of Marie Canyon at elevations between 775 and 500 feet below that of the trail. The height of local terrain features within Marie Canyon would serve to block site visibility from substantial portions of the trail (**Figure 4**). The elevation differences between the site and the proposed trail location also assure that the proposed stockpile would not interfere with scenic coastal views from the trail.

Views From Public Beaches and Recreation Areas Along the Coast

Beaches open to the public and the Malibu Bluffs Community Park are located along the Malibu bluffs and shoreline south of the Pepperdine University campus. The park area, managed by the City of Malibu, covers 8.7 acres and contains baseball fields, a turf-grass soccer field, a picnic area, coastal bluff viewing trails and walkways, and the Michael Landon Center.

Views directed toward Pepperdine University from beaches south of the coast-fronting Malibu Road are blocked by residential structures along the beach and coastal bluffs which rise to heights of between 100 and 180 feet adjacent to the north side of Malibu Road. (**Figure 4**)

Public views directed toward the proposed project site from Malibu Bluffs Community Park encompass sweeping vistas of the Santa Monica Mountains that also contain the most prominent of Pepperdine University's structures on the foreground grassy slopes which border PCH. As illustrated in **Figure 4**, the project site is situated behind elevated, on-campus ridgelines which block potential project site visibility from locations in the park.

Visual Effects of Natural Landform Alteration

The stockpile site is situated at the head of the Marie Canyon debris basin, approximately 380 feet north of Huntsinger Circle. The stockpile would be placed at the toe or base of the slope on the eastern side of Marie Canyon. The project area would not undergo surface grading that would result in an alteration of the existing contours through the creation of visible cut-slopes. Fill material would be stored atop existing terrain in an elongated stockpile. The completed stockpile would have a surface extent of approximately 1.1 acres and would measure approximately 190 feet by 400 feet at the points of its greatest width and length. The longer axis of the stockpile site trends

northwesterly to southeasterly. The base elevation of the stockpile, at its lowest point, would be located near the 530 feet contour from which it would extend up-slope to approximately the 575 feet contour at its highest point.

Near the upper (northwestern) end of the stockpile site a small ridge-like linear landform remnant rises 35 to 40 feet from the canyon floor. The small ridge-like feature parallels the base of the canyon slopes that rise to elevations of 1,325 feet and 1,800 feet along the ridgeline north and northeast of the site. The small ridge reaches an elevation of 575 feet (nearly equaling the height of the completed stockpile), and it dips southeasterly into the floor of the debris basin. The stockpile would fill the swale between the ridge and the side-slopes of the canyon. At its full capacity, the stockpile would extend up-hill in 2:1 fill-slopes reaching a height of approximately 45 feet. Naturally vegetated canyon slopes would continue to rise in elevation above a completed stockpile from 750 to 1,225 feet to the northeastern drainage divide of Marie Canyon (**Figure 6**).

In summary, although the proposed stockpile would alter the natural landform through the deposition of fill material, this alteration would be minimized by the elongated design of the stockpile, its relatively low height, and the fact that it does not require the creation of cut slopes. In addition, mitigation of the erosional feature would restore the natural contours of a previously altered landform (**Figure 7**).

Visual Compatibility With the Character of Surrounding Areas

The visual character of the area occupied by the stockpile would be transformed. An existing irregular, naturally-vegetated landform surface would be replaced by the even contours of the manufactured stockpile slopes. Locally, in the area confined to the equestrian riding area, the bottom of the debris basin, and the adjacent parking lot, the manufactured slopes of the stockpile would stand out in smoothed tone and texture contrasts from the irregular surfaces of the adjacent natural terrain. The stockpile would not be out of character with adjacent uses, however, as it is located at the head of an artificial debris basin that is itself flanked by existing manufactured flattened terrace surfaces. A manufactured terrace on the west side of the debris basin supports an equestrian riding area and similar terrace levels east of the basin, which abut the stockpile, are occupied by parking lots.

Although the amount and areal extent of the proposed fill - 23,000 cubic yards covering approximately one acre - appears to be extensive it is noted that the certified LRDP allows for 1.2 million square feet of facilities expansion and 3 million cubic yards of grading and that temporary stockpiling of grading material has always been provided for in the LRDP. The previously existing stockpile site was approved by L.A. County in 1971 and certified in the LRDP in recognition of the fact that approved facilities expansion would take place over several years on a project by project basis and it was necessary and beneficial to minimize the amount of truck traffic transporting grading materials to and from construction sites on Pacific Coast Highway, Malibu Canyon Road and other streets in the area to an appropriate

landfill or disposal site. The LRDP, at the time it was certified, did not contemplate the construction of a new parking lot in the location of the existing stockpile site prior to completion of proposed campus improvements allowed under the certified plan, however.

As explained above, the necessity of maintaining a stockpile site to accommodate storage of grading material for future campus development which is to be located approximately 100 feet north of previous site provides the basis for this proposed amendment to the LRDP. As previously stated, the fill material is not beach compatible and therefore cannot be considered for sand replenishment. Also as provided above, the potential visual impacts of the proposed project will be minimal because the project site is not visible from either Malibu Canyon Road or Pacific Coast Highway, public beaches along the shore, Malibu Bluffs Community Park, and the Mesa Peak and Coastal Slope Trails. Therefore, for all of the reasons stated above, the Commission finds that the proposed amendment to the LRDP to replace the existing stockpile site and relocate it approximately 100 feet north is consistent with Section 30251 of the Coastal Act.

E. Public Access

The Coastal Act requires that development not interfere with the public's right of access to the sea (**Section 30211**) and that new development should maintain and enhance public access to the coast by providing adequate parking facilities among other means (**Section 30252**).

As previously indicated, the proposed LRDP amendment adds policy language to clarify that certain routine maintenance activities are exempt from review and approval by the Coastal Commission pursuant to the procedural requirements of providing a Notice of Impending Development (NOID). Such activities, which are described in the proposed amendment (see attached **Appendix A**), involve repair and maintenance activities that are typically exempt from Coastal Commission permit requirements pursuant to Section 13252 of the California Code of Regulations. Among the proposed exemptions are the repair and improvements of parking lots. Typically, such repair, maintenance or improvements would not adversely impact public access to the coast. However, a repair or improvement to an existing parking lot has the potential to adversely impact public access to the coast if it resulted in closure of the parking lot for an extended period of time. Such closure might cause students or faculty, other campus employees or visitors to park vehicles along Pacific Coast Highway, in Malibu Bluffs Park or in other public parking areas typically used by visitors to the coast. For these reasons suggested modification 1 contains a provision that allows the exemption of repair and improvement of parking lots, except where such repair requires the closure of a parking lot for more than 2 weeks or where such activities will adversely impact public access to the coast. The Commission finds that, only if modified as suggested, is the proposed amendment to exempt certain repair and maintenance activities from future Commission review consistent with Sections 30211 and 30252 of the Coastal Act.

APPENDIX A

Throughout the life of the project, the University shall undertake routine maintenance activities in such a manner to ensure that each action has the least affect on the environment both in developed and adjacent areas. Activities that are expressly approved under this policy include, but are not limited to, the following:

- Subdrain repair and installation in previously disturbed areas, or in areas that do not support jurisdictional waters and wetlands;
- Slope repair or improvement of previously graded areas, including slopes planted with native vegetation within the developed portion of the Campus. All such work shall be followed with appropriate revegetation;
- Infrastructure repair or installation of electric, gas, water, communications, or other utility lines within existing roads, previously disturbed areas, the developed portion of the Campus, or minor work in natural areas;
- Installation of refuse and recycling receptors, bins, and platforms shall be allowed as needed within the developed Campus;
- Clean out and maintenance of onsite debris basins and drains may be performed as needed, and in compliance with other state and federal approvals;
- Repair and improvement of roads, parking lots, and sidewalk areas shall be allowed using best management practices. Installation of new sidewalks is permitted within the developed Campus area;
- Refurbishing and new landscaping of existing playing fields and outdoor facilities shall be permitted if a suitable and approved location exists for any excess fill material;
- Brush clearance as required by the Los Angeles County Fire Department;
- Rain and runoff mitigation measures and erosion repair;
- On-going operations of an approved earthen stockpile; and
- Other minor repair, or operational activities to maintain Campus grounds and buildings.

CALIFORNIA COASTAL COMMISSION

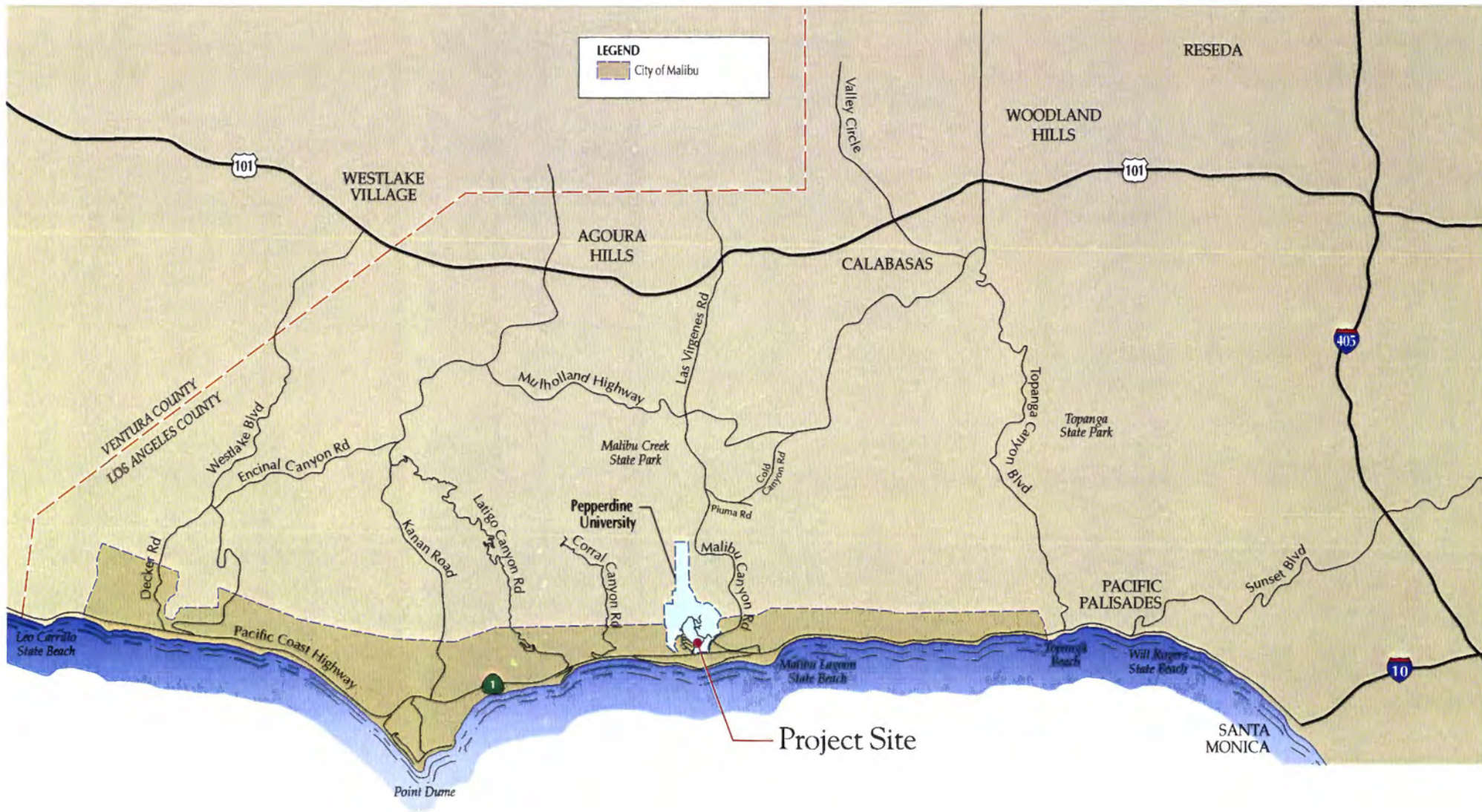
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142



Items 12c and 13b

**PEPPERDINE UNIVERSITY
LRDP AMENDMENT 2-97
AND
NOTICE OF IMPENDING
DEVELOPMENT 2-97
EXHIBITS**

REGIONAL MAP.....FIGURE 1
LOCAL MAP.....FIGURE 2
AERIAL VIEW.....FIGURE 3
VIEW OF PROPOSED STOCKPILE AREA.....FIGURE 4
VIEW OF NATIVE HABITAT RESTORATION SITE.....FIGURE 5
TOPOGRAPHY MAP AND
PROFILE OF RESTORATION SITE.....FIGURE 6



LRDPA & NOID 2-97

Regional Location

Prepared By:
ENVICOM
 CORPORATION

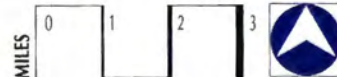


FIGURE 1



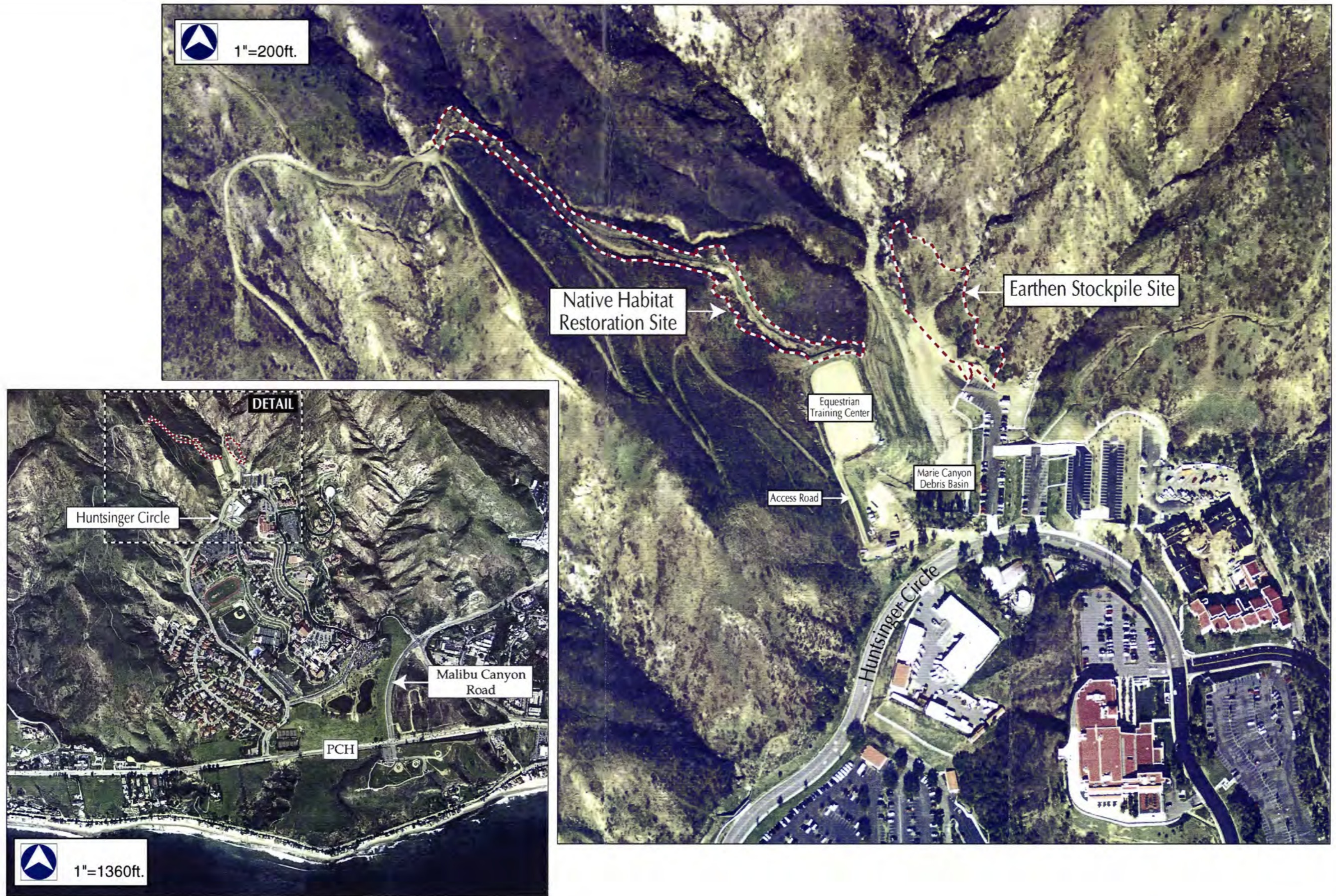
Source: USGS Quadrangle, Malibu Beach, CA, 1981

LRDP A & NOID 2-97

Local Setting



FIGURE 2



Aerial Photography: L.K. Curtis, 12-19-96 Job # 96-1728

LRDP A & NOID 2-97

Aerial View of Proposed Project

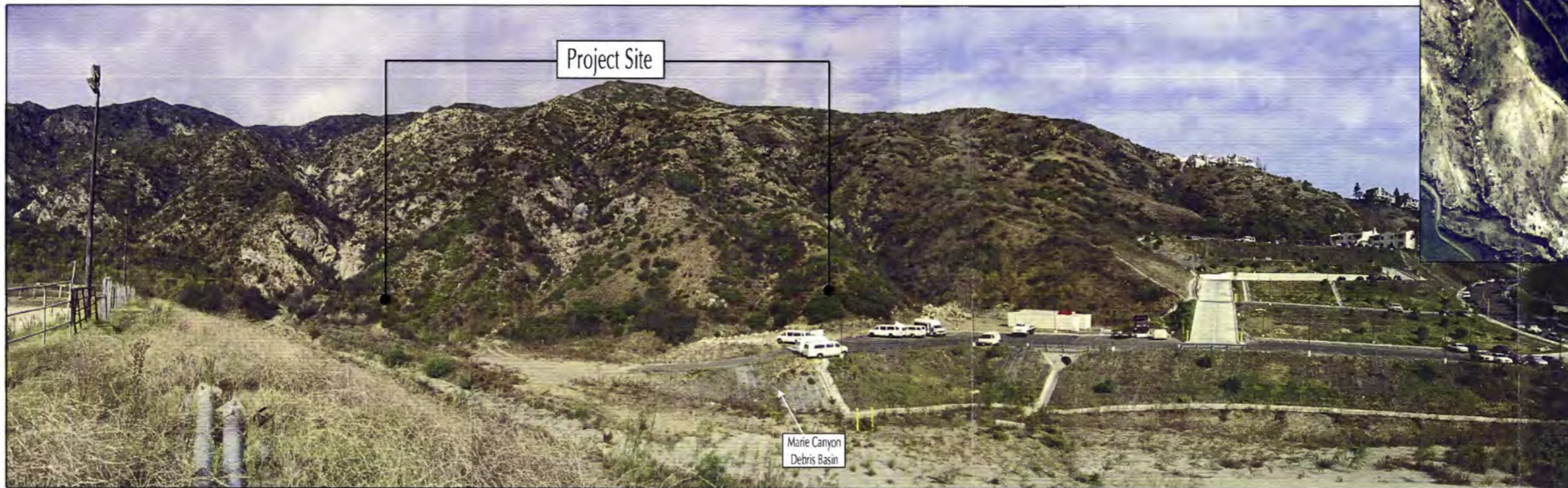
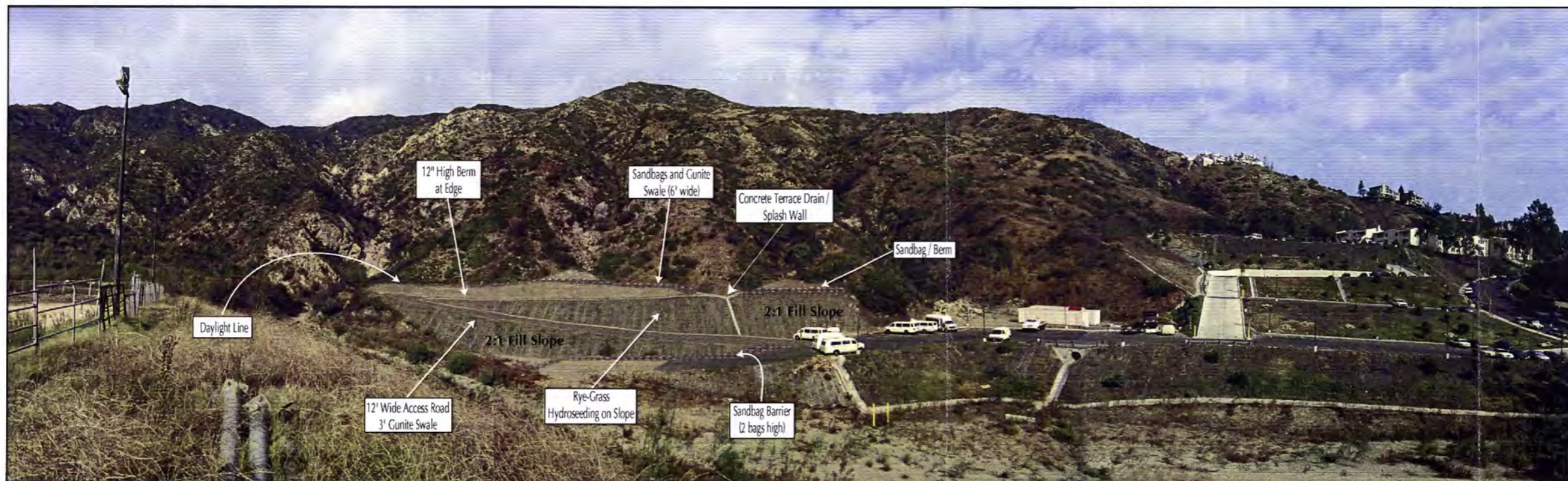


Photo location and direction.

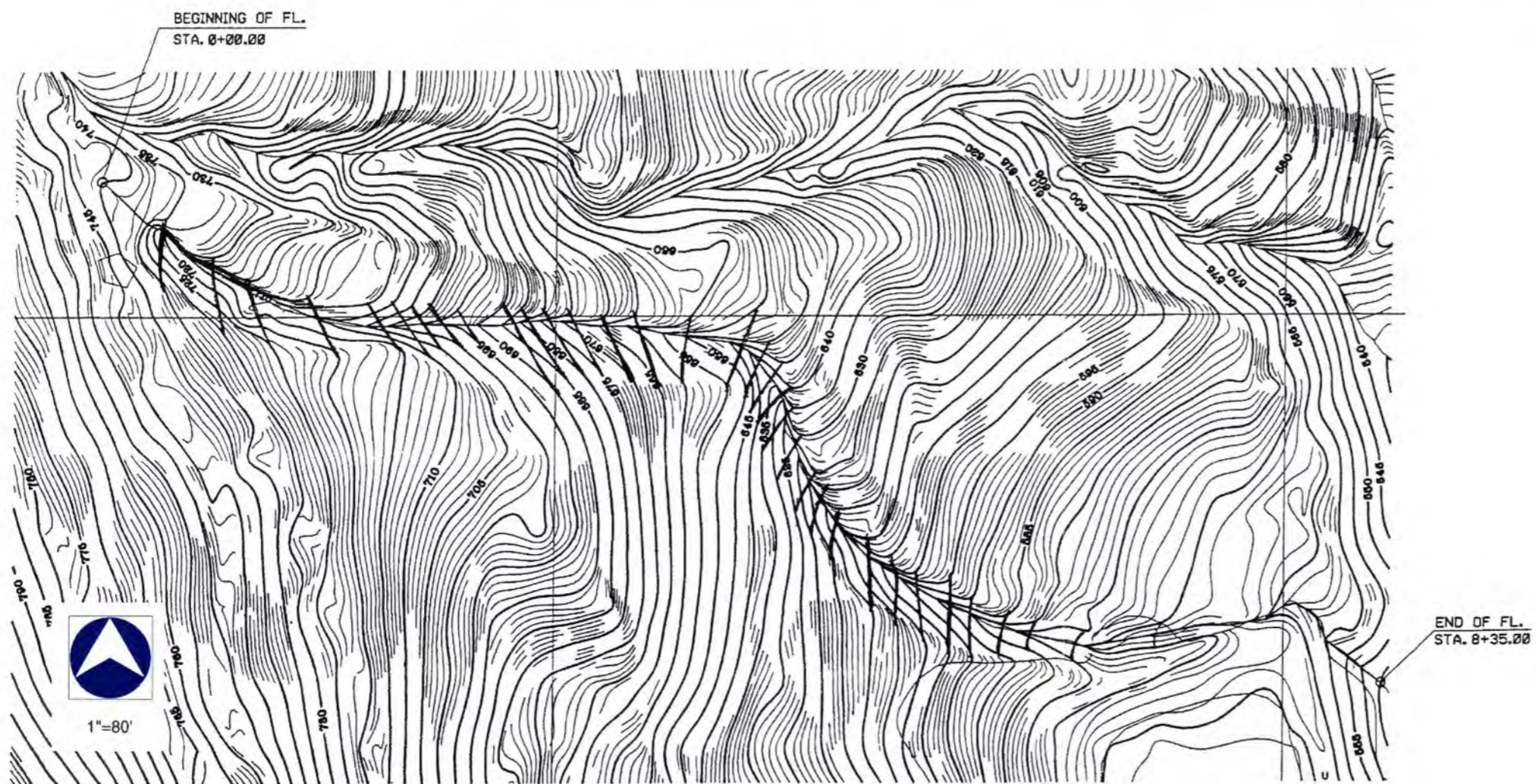
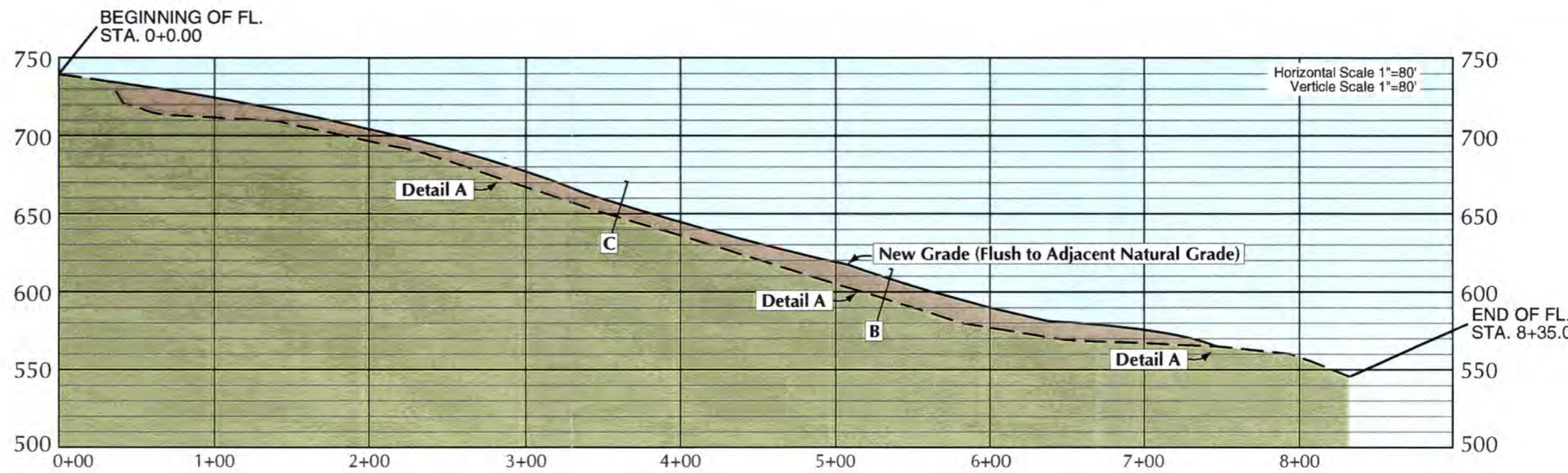
Existing Conditions Earthen Stockpile Location



Illustrative Earthen Stockpile Rendering with Runoff Control Features

LRDPA & NOID 2-97

View of Proposed Earthen Stockpile Area from Equestrian Center and Rendered Stockpile Simulation



Source: Pepperdine University 1997 LRDPA & NOID 2-97

Erosional Feature Terrain Profile

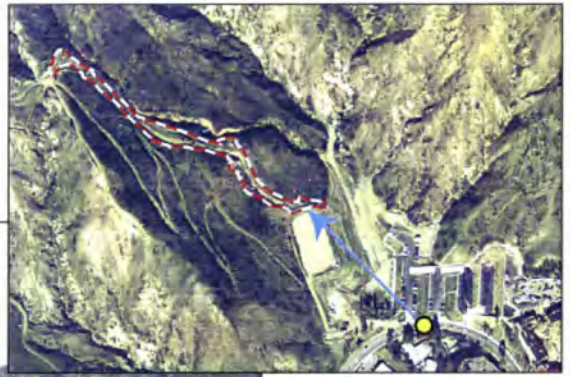


Photo Location



Existing eroded condition.



Illustrative Rendering of post project condition

LRDP A & NOID 2-97

View of Native Habitat Restoration Site from Huntsinger Circle

