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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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September 23, 1999

TO: Commissioners and Interested Persons

FROM: Charles Damm, Senior Deputy Director
Gary Timm, District Manager
Barbara Carey, Coastal Program Analyst

SUBJECT: Proposed Major Amendment 1-99 to the Pepperdine University
Long Range Development Plan for Public Hearing and Commission Action
at the October 12, 1999 Commission Meeting

AMENDMENT SUMMARY

The University is proposing to amend the certified Pepperdine University Long Range Development Plan (LRDP) to make seven revisions to the approved 50.4-acre Upper Campus. These proposed changes are: 1) increase in grading to create roads/pads and to stabilize landslides from 3 million cubic yards to 4.5 million cubic yards within the same area of disturbance; 2) modifications to circulation system, including addition of loop road to meet fire access standards; 3) redesignation of a church facility to a academic support facility; 4) redesign of graduate complex structures within the same total square footage; 5) redesign of student housing buildings with the same number of units; 6) resiting of water tank; and 7) deletion of recreational field and pools associated with approved housing.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **deny** the LRDP, as proposed to be amended by Amendment 1-99. The grading plan for the undeveloped Upper Campus area, which includes 4.5 million cu. yds. of grading, does not minimize landform alteration, as required by §30251 of the Coastal Act, or minimize risks from geologic hazard, as required by §30253 of the Coastal Act. Substantial evidence has been provided by detailed, on-site biological studies that Valley Needlegrass Grassland found on the Upper Campus must be considered an environmentally sensitive area, within the meaning of §30107.5 of the Coastal Act. The LRDP, as proposed to be amended, will not protect the environmentally sensitive habitat area against significant disruption of habitat values, nor would development in areas adjacent to the ESHA prevent impacts which would significantly degrade these areas, as required by §30240.

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 LRDP, as amended, meets the requirements of and is in conformance with the Chapter 3 policies of the Coastal Act.

Additional Information: Please contact **Barbara Carey**, California Coastal Commission, South Central Coast Area, 89 South California St., Ventura, CA (805) 641-0142.

PUBLIC PARTICIPATION

§30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LRDP. The University held a public hearing regarding the project and solicited comments 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 notice of availability of the draft LRDP amendment be made available six weeks prior to the Regent's approval of the LRDP amendment. Notice of the subject amendment has been distributed to all known interested parties.

I. ACTION ON PEPPERDINE UNIVERSITY LRDP AMENDMENT 1-99

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

Resolution to deny certification of the Pepperdine University Long Range Development Plan Amendment 1-99, as submitted

MOTION

I move that the Commission **certify** the Pepperdine University Long Range Development Plan Amendment 1-99, 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 1-99 and adopts the findings stated below on the grounds that the amendment and the LRDP as thereby amended will not meet the requirements of and conform to the policies of Chapter 3 of the Coastal Act and that approval of the amended LRDP as submitted will have significant adverse 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 effects that the approval of the Long Range Development Plan as amended would have on the environment.

II. FINDINGS.

A. Amendment Description

The University is proposing to amend the certified Pepperdine University Long Range Development Plan (LRDP) to make seven revisions to the approved 50.4-acre Upper Campus Development. These proposed changes are: 1) increase in grading to create roads/pads and to stabilize landslides from 3 million cubic yards to 4.5 million cubic yards within the same area of disturbance; 2) modifications to circulation system, including addition of loop road to meet fire access standards; 3) redesignation of a church facility to a academic support facility; 4) redesign of graduate complex structures within the same total square footage; 5) redesign of student housing buildings with the same number of units; 6) resiting of water tank; and 7) deletion of recreational field and pools associated with approved housing.

As described below, the Commission certified the Pepperdine University LRDP in 1989. The certified LRDP includes 3 million cu. yds. of grading for development of the Upper Campus Development (UCD). Subsequent to the LRDP certification, the University's geologic consultants undertook further investigations of the UCD site in 1993 to determine the feasibility of constructing a secondary access road, as required by the Los Angeles County Fire Department. At that time a much deeper slide plane was identified. In order to stabilize the UCD site, the University now proposes a conceptual grading plan that represents an increase to 4.5 million cu. yds. of grading.

The LRDP, as proposed to be amended, would include the following development within the Upper Campus area:

- A 95,500 sq. ft. graduate complex including the graduate schools of business and management, public policy, and education and psychology;
- 104,000 sq. ft. of student housing (96 units);
- 100,800 sq. ft. of faculty/staff condominiums (48 units);
- 30,000 sq. ft. of faculty/staff homes (10 detached and duplex units)
- A 30,000 sq. ft. academic support facility;
- A 25,000 sq. ft. academic learning center;
- Ancillary facilities including potable water tank, reclaimed water tank, cooling plant, and 2 debris basins;

- Access roads, including a primary road 40 feet in width, a secondary road 26-30 feet wide, a 20-foot road to provide access to proposed water tanks and various other roads and driveways to provide access to the proposed residential uses; and
- 1,338 parking spaces.

The Upper Campus project would accommodate 268 new full-time equivalent (FTE) students. Space vacated in the existing lower campus by existing students moving to Upper Campus facilities would allow for an addition of 200 FTE students, for a total increase of 468 FTE students.

The County of Los Angeles approved a conditional use permit, parking permit and oak tree permit for the UCD project in May 1999. The Upper Campus Development Final Environmental Impact Report (EIR), prepared by Envicom Corporation, was certified by Los Angeles County in February 1999.

The list of substantive file documents is attached as Attachment 1. Exhibit 1 is a vicinity Map. The existing, developed campus area is shown in relation to the UCD site in Exhibit 2. Exhibit 3 is the detailed plan of the proposed UCD buildings and roads.

B. LRDP Background.

On September 12, 1989, the Commission considered the Pepperdine University Long Range Development Plan (LRDP) for the University's 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 access, hazards, visual resources, marine resources, and environmentally sensitive habitat protection. Findings for the September Commission action were adopted by the Commission on January 11, 1990. On February 7, 1990, the Board of Regents of the University acknowledged the receipt of the Commission's certification and agreed to the terms of the modifications to the LRDP. On April 12, 1990, the Commission concurred with the Executive Director's determination that the Board's action accepting the certification was legally adequate and sent such determination to the Secretary of Resources, thereby effectively certifying the LRDP. Since that time, the LRDP has been amended seven times and the University has processed eight notices of impending development.

Amendments to the LRDP have been approved for such modifications as: additions to the Firestone Fieldhouse gym; relocation of tennis courts; combining and relocation of student housing units; relocation of faculty housing units to Malibu Country Estates subdivision; additions or redesign of various campus facilities; and addition of designated stockpile site in Marie Canyon.

Notices of Impending Development have been approved for such development as: addition to the gym; additions to the Law School; construction of student housing; construction of faculty houses in Malibu Country Estates; remediation of landslide above residential units in Malibu Country Estates; additions to Tyler Center; Alumni Park improvements; construction of stockpile site with restoration of eroded ravine as mitigation; relocation of wastewater flow station. With the exception of the stockpile site and residential units within Malibu Country Estates (residential subdivision adjacent to Pepperdine University campus), all of the amendments and notices of impending development involved projects within the developed area of the campus.

History.

The University acquired its Malibu campus in 1968. In 1969, Los Angeles County approved a zone change to allow the campus site to be used for educational purposes. In 1972, the Planning Commission approved a Conditional Use Permit for the expansion of the University's facilities. Specific Plans were not adopted under this 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. Prior to the effective date of the Coastal Act, the University had obtained numerous grading and building permits from the County and had completed construction of 35 permanent buildings and construction was under way on 4 additional structures. The University had yet to commence construction on a number of other buildings included in the 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.

C. Geologic Stability and Landform Alteration

§30251 of the Coastal Act states that:

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.

§30253 of the Coastal Act states, in part, that:

New development shall:

(1) 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 LRDP, as proposed to be amended, would include massive landform alteration for the development of the Upper Campus Development (UCD) site.

As described in detail above, the LRDP as proposed to be amended, would include 4.5 million cu. yds. of grading (2.25 million cu. yds. cut and 2.25 million cu. yds. fill). The proposed grading is both for the creation of building pads and roadways as well as the stabilization of geologic hazards on the UCD site. Exhibit 5 shows the conceptual grading plan for the UCD. Essentially, the plan consists of a main roadway, secondary fire access road, and several pads at different levels up the slopes. The amount of grading approved in the certified LRDP is 3 million cu. yds. The grading plan has been revised because of the discovery of more extensive landslides than were identified at the time of the LRDP certification. Exhibit 6 shows a comparison between the area of disturbance approved in the certified LRDP and that which is proposed in the LRDP as proposed to be amended herein. Following is a chart comparing the grading approved in the certified LRDP and the grading proposed in the LRDP as amended:

Proposed Grading—Pepperdine Upper Campus			
		1989 LRDP	1999 LRDP (As proposed to be amended.)
CUT	Project & Roads	1.1 million cu. yds.	0.9 million cu. yds.
	Landslide Remediation	0.4 million cu. yds.	1.1 million cu. yds.
	Contingency	N/A	0.25 million cu. yds.
FILL		1.5 million cu. yds.	2.25 million cu. yds.
TOTAL		3.0 million cu. yds.	4.5 million cu. yds.

The Preliminary Geotechnical Investigation of the Upper Campus Development Plan, dated 5/13/97, prepared by Leighton and Associates, Inc. identifies and characterizes the geologic conditions on the UCD site and makes recommendations for development of the site. This study formed the basis for the analysis of earth resources and potential impacts in the EIR for the UCD project. The University has also submitted a Geotechnical Review of Grading Plan for the Graduate Campus Project, dated 7/16/99,

also prepared by Leighton and Associates, Inc. This report was prepared after the approval of the Final EIR. Up to date, the University's geologic consultants have conducted 31 subsurface borings in order to identify and characterize the materials and geologic structures of the site.

1. Geologic Conditions on the UCD site.

The 50.4-acre UCD site is located northwest of the existing, developed campus, above Huntsinger Circle. Steep slopes with some flatter terrace areas characterize the site. Several drainages cross the site, primarily from northwest to southeast. One stream course, which is a tributary to Marie Canyon, is designated as a blue-line stream on the United States Geologic Service (USGS) map for the area. Elevation of the site ranges from approximately 400 feet in the southwest to almost 1000 feet in the northeast. The slopes to the northwest continue rising to form the divide with the Puerco Canyon watershed. Exhibit 4 shows the topography of the UCD site and the surrounding area.

The site is predominately underlain by Sespe Formation sedimentary bedrock and landslide deposits. Small areas of alluvial deposits were identified along the bottoms of the stream courses. Finally, volcanic rock was also found to occur on the site. Identified faults in the area include the Malibu Coast Fault and the Malibu Bowl Faults. The Malibu Coast Fault, which is considered to be an active fault, is located over 4,000 feet to the southeast of the UCD site. One splay of the Malibu Bowl Faults crosses the UCD site, while the other splay is located to the east of the site. Trenching studies conducted by the project geologists found no evidence of activity on these faults within Quaternary time. As such, the Malibu Bowl Faults are considered to be inactive.

The UCD site is susceptible to landsliding and is affected by several large landslides and debris flows. According to the EIR, four translational bedrock slides were found within or adjacent to the UCD site. Additionally, five debris flows were identified on the UCD site. The landslide masses underlie most of the site.

The four landslides have been designated as Qls-2, Qls-6, Qls-7 and Qls-9. Sheared claystone interbeds in the Sespe Formation sedimentary rocks have generally served as planes of weakness along which these slides have occurred. The geologic investigation has indicated that the slides on the UCD site have failed along out-of-slope bedding planes on the northeast/easterly facing slopes. Following is a description of each slide:

Qls-2 is located approximately 150 feet outside the southwestern margin of the UCD project. The geologist has indicated that this slide is potentially unstable but a stable ridgeline of bedrock lies between the slide and the site. As such, the geology reports conclude that it would not impact the site.

Qls-6 is the largest landslide found on the UCD site. This slide extends across much of the site, from northwest to southeast. It is approximately 2,600 feet in length and 1,100 feet wide. The slide mass varies in depth up to a maximum depth of approximately 110

feet near the toe. The geology studies conclude that this slide is potentially unstable and without stabilization would negatively impact the proposed UCD development.

QIs-7 extends across the northwestern area of the UCD site. This slide is approximately 900 feet in length, 310 feet wide at its widest point and a maximum of 50 feet deep. The studies conclude that this landslide is potentially unstable and without stabilization would impact the proposed watertank pad and access road. (Further geologic investigation subsequent to adoption of the EIR indicated that a series of five staggered landslides should be mapped in the area of QIs-7)

QIs-9 is a slide complex comprised of three adjacent slides located northeast of the UCD site, although the western edge (headscarp) of the slide extends onto the development area. This slide extends in a southeastern direction away from the UCD and is 2,300 feet wide and 700 feet long. The slide is estimated to be a maximum of 70 feet thick. The geologic studies indicate that the upper elevations of this slide are potentially unstable and without stabilization would negatively impact the proposed graduate complex on the uppermost pad and the adjacent roadway.

In addition to the bedrock landslides, several debris flows were also identified on the site. The EIR states that: "Flows most commonly originate as shallow soil slumps in rounded, colluvium-filled 'hollows' at the heads of drainages. The rigid soil mass is deformed into a viscous fluid that moves down the drainage swale, incorporating into the flow additional soil and vegetation scoured from the channel". The EIR identified five debris flows affecting the UCD site. Subsequent geologic investigation identified two additional debris flows and re-characterized one debris flow as a landslide. Most of the debris flows are located on top of the landslides. According to the geology report, the debris flows in general consist of reactivated portions of the older landslides.

2. Stabilization.

As described above, the LRDP certified in 1989 included a grading plan comprising 3 million cu. yds. (1.5 million cu. yds. cut and 1.5 million cu. yds. fill) for the construction of the development approved for the UCD site. As part of its LRDP submittal, the University submitted the Preliminary Geotechnical Investigation of the Site for LRDP Units Outside of the Existing Developed Area at Pepperdine University, dated 3/15/89, prepared by Leighton and Associates. In their consideration of the development proposed for the upper campus area in the LRDP, Commission staff had reservations about the total amount of grading that might ultimately be necessary to stabilize the site given the landslides identified at that time. After their review of the geologic investigation report, staff requested additional information. The University provided a response letter from Leighton and Associates, dated 8/2/89. One of the questions raised by staff in 1989 was: "What efforts were made to ensure that there are no deeper slide planes?" The geologic consultant's response was as follows:

A number of factors were considered during the geologic evaluation of the site. These include observation of bedrock exposures and detailed geologic mapping, review of previous work performed by others, detailed aerial photo analysis, correlation of on and

offsite features and our familiarity with the geologic processes of the area. Originally we proposed deeper borings. During our subsurface exploration, it was determined that deeper borings were not required. The landslide parameters depicted in the referenced report correlate well with the geomorphic/topographic features of the site.

While: "the geologic instability of the campus and the adjacent area south of the campus was of great concern to the Commission in its consideration of the development proposed in the LRDP", (Commission findings on the Pepperdine LRDP, 12/21/89) the Commission found that based on the geologic investigation and with four suggested modifications, the LRDP would be consistent with §30253 of the Coastal Act. These modifications were required LRDP policies relating to hydrogeologic monitoring and the requirement of setbacks from the Malibu Coast Fault.

Subsequent to the LRDP certification, the University's geologic consultants undertook further investigations of the site in 1993 to determine the feasibility of constructing a secondary access road, as required by the Los Angeles County Fire Department. This investigation included additional borings in the area of the proposed secondary access road. Anomalies found in the geologic structures encountered in these new borings lead the geologic consultants to deepen one to determine if there was a deeper landslide surface present. In this boring, a clay seam was found at 108 feet that the geologic consultants interpreted to be a deep-seated landslide feature. This feature is known as Qls-6, described above. The geologic consultants determined that a major buttress, an upper buttress, and a toe buttress would be required to stabilize this slide. The discovery of this deeper slide plane is the primary factor necessitating the additional 1.5 million cu. yds. of grading for site stabilization in the LRDP, as proposed to be amended.

The grading plan includes three buttress fills and two shear keys designed to stabilize the landslides identified on the UCD. In order to stabilize landslide Qls-6, a buttress is proposed across the south-central portion of the slide. This buttress would be approximately 700 feet long, 300 feet wide and up to 120 feet deep. This area would be excavated to a depth below the slide plane and benched into competent material. A buttress approximately 150 feet wide and 300 feet long is also proposed outside the UCD grading envelope to the south to support a lobe of Qls-6. A buttress across the center portion of landslide Qls-7, which would be approximately 330 feet wide and 350 feet wide, is proposed to stabilize this slide. A side hill shear key reinforced with geogrid material is proposed to isolate the pad and road from the Qls-9 slide complex, should it be activated. Finally, a side hill shear key would be constructed on the western edge of the UCD site, where a cut encroaches into the head region of landslide Qls-6 and debris flow Qls-d5.

All of the debris flow material would either be removed as part of the grading to buttress the landslides, removed by proposed cut, or removed to competent bedrock.

3. Grading

In addition to site stabilization, the 4.5 million cu. yds. of grading proposed for the UCD site includes grading of roads and pads. As shown on the Conceptual Grading Plan (Exhibit 5), several large and small pads would be provided. The northernmost pad is the proposed location of the Graduate Complex, including a seven-level terraced parking lot. The next pad downslope would contain the faculty/staff housing area, with several smaller pads for single family residences and two larger pads for townhouses. The next pad area downslope would be the location of the student housing. Finally, the lowest pad would contain the academic learning center and the academic support facility. The grading plan include a primary access road to serve all the pads, a secondary road that forms a figure "8" with the primary road. The certified LRDP included a primary access road that ended in a cul-de-sac. The Los Angeles County Fire Department would not permit an access road of this length without a secondary form of access. Additionally, roads are provided to the housing areas and to the proposed water tank.

As shown on the Conceptual Grading Plan, manufactured slopes would occupy approximately one-half (25-acres) of the overall area of the UCD site. Pads or level areas would occupy 18.5-acres, and roadways would occupy 6.9-acres. Grading of the UCD site would create a sequence of manufactured slopes, each one supporting a pad area, as described above, upon which development would be located. According to the EIR, the total vertical extent of the successive manufactured slopes would be 530 feet.

The ridgelines on the UCD site would be widened by cutting and the canyons by filling. According to the EIR: "The highest elevations along the northeastern ridgeline are being lowered about 60 feet, and a less prominent northcentral ridgeline is being lowered about 75 feet". The EIR concludes that with regard to landform alteration:

The nature of the proposed grading will disturb all of the project area and will alter the natural contours of the existing eastern ridge. The natural soil and bedrock materials at the surface will be altered permanently by over-covering and compaction. This is considered a significant impact that cannot be mitigated.

4. Analysis

To ensure compliance with §30253 of the Coastal Act, development must minimize risks to life and property in areas of high geologic hazard. In this case, the UCD site is extremely affected by geologic hazard. As described above, several large bedrock landslides and debris flows cross the site. When the LRDP was certified in 1989, there was serious concern with the level of instability on the site and the 3 million cu. yds. of grading proposed for stabilization and pad/road creation. The increase of grading from 3 million cu. yds. to 4.5 million cu. yds. demonstrates that the UCD site is subject to geologic conditions that are far worse than originally believed when the Commission approved the LRDP. The University's consultants have conducted more detailed

investigations over time, and modified the mapping of the slides based on additional subsurface exploration.

The University is currently in the process of geologic and geotechnical review with the Los Angeles County Public Works Department. This process generally includes several rounds of review; questions from the County geologists and geotechnical engineers with information provided by the project proponent's consultants before the final geologic determinations and grading designs are approved. The University is in the midst of this process. No final approved geologic or geotechnical review sheets have been issued. It should be noted that further investigation may well identify further changes to the characterization of geologic hazards on the UCD site. Furthermore, conditions could also be discovered to be quite different in the field during construction of the proposed grading plan.

Given the uncertainties associated with estimating the extent of hazard associated with subsurface geologic conditions, redesign of new development to avoid hazards is the preferable means of minimizing risks to life and property from geologic hazards. In this case, given the size and location of the landslides on the UCD site, it would not be possible to re-design the project to avoid all hazards. The underlying landslides would still require stabilization for the site to be developed.

As discussed above, the University's geologic consultants have concluded that the proposed 4.5 million cu. yds. of grading would result in slopes, pads, and roads that will be stable, assuring stability and structural integrity, as also required by §30253 of the Coastal Act. The Commission finds that while it may be technically possible to stabilize the site, to do so requires excessive landform alteration of a type and magnitude that the Commission has not approved for other projects in the Santa Monica Mountains. The grading plan, which includes 4.5 million cu. yds. of grading for the creation of roads and pads as well as landslide stabilization would not minimize landform alteration, as required by §30251 of the Coastal Act. The University states that the ultimate profile of the UCD site would be the same for the 4.5 million cu. yd. grading plan in the LRDP as proposed to be amended as for the 3 million cu. yd. grading plan approved in the certified LRDP. However, the 1.5 million cu. yds. of grading represents a 50% increase in site grading from the approved project. Not only would this result in a significant increase in landform alteration, the increased grading is indicative of a higher level of geologic instability than was considered by the Commission in certifying the LRDP. Finally, as discussed below, the proposed complete alteration of the landforms on the site would also result in significant adverse impacts to sensitive resources, including environmentally sensitive habitat areas, on the UCD site that cannot be mitigated.

One of the alternatives (Alternative 6) considered in the EIR consisted of a reduced building site. This 20.4-acre building area would be the lower 2/5 (approximately) of the UCD site and would require 980,000 cu. yds. of grading (825,000 cu. yds. cut and 155,000 cu. yds. fill). This alternative would reduce landform alteration, although a large amount of cut material would need to be exported from the site.

As described in greater detail below, there are other alternatives to the LRDP, as proposed to be amended, that could minimize landform alteration and be found consistent with §30251, and §30253 of the Coastal Act. The no-project alternative, the off-site location alternative, or the addition of development within the existing developed campus could minimize landform alteration and risks, depending on the conditions present on alternative sites. One of these alternatives could be chosen by the University to accommodate the graduate school uses that would be developed in the Upper Campus area under the LRDP, as proposed to be amended herein.

As such, the Commission finds that the LRDP, as proposed to be amended, does not minimize landform alteration for the UCD site with 4.5 million cu. yds. of grading or minimize risks from geologic hazard. The Commission further finds that it would not be possible to suggest modifications to the LRDP, as proposed to be amended, that could redesign the UCD development to minimize landform alteration and risks, as required by §30251 and §30253 of the Coastal Act. Additionally, as discussed below, the LRDP, as proposed to be amended, would not protect the grassland ESHA against significant disruption of habitat values, as required by §30240 of the Coastal Act. Therefore, the Commission finds that the LRDP, as proposed to be amended, must be denied.

D. Sensitive Resources.

§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.

§30236 of the Coastal Act states that:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

§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.

§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.

The LRDP, as proposed to be amended, would result in adverse impacts to sensitive resources, including valley needlegrass grassland, an environmentally sensitive area as defined by the Coastal Act, as well as other resources on the UCD site.

The Upper Campus Development (UCD) area of Pepperdine University comprises 50.4-acres northwest of the 230-acre developed portion of the campus. The 50.4-acre project site is in an essentially natural condition. There are several dirt fire roads which cross the area. Several intermittent stream courses cross the UCD site, primarily from northwest to southeast. One stream is designated as a blue-line stream on the United States Geologic Service (USGS) map for the area.

The Pepperdine University Biological Database (PCR 1995) and additional field surveys conducted in 1997 by Envicom Corporation identify and characterize the resources found on the UCD site. These studies formed the basis for the analysis of biological resources and potential impacts in the EIR for the UCD project.

1. Habitat Areas on the UCD Site

There are several distinct plant communities that were found on the UCD site, including northern mixed chaparral, Venturan coastal sage scrub, annual grassland, and native perennial grasslands. In addition to these habitat areas, several oak trees (*Quercus agrifolia*) were identified. However, these trees are scattered and do not form a contiguous woodland or savanna. Further, although several stream channels cross the UCD site, including one blue-line stream, no riparian or wetland vegetation was found.

The identified habitat areas are shown on Exhibit 7. As explained in the EIR, "while the plant communities may be well-defined in some places, the vegetation associations tend to overlap considerably on the site. In this way, areas may contain elements of different communities. However, the dominant plant species in each area were designated for the purposes of mapping the plant communities, as shown on Exhibit 7. Following is an acreage breakdown of the habitat types identified on the UCD site:

PLANT COMMUNITY	AREA WITHIN UCD (ACRES)
Coastal Sage Scrub	31.2
Valley Needlegrass Grassland	8.1
Mixed Coastal Sage Scrub/Grassland	6.1
Northern Mixed Chaparral	5.0
Non-Native Grassland	0.02
Total	50.4

Additionally, the EIR identifies the habitats, plants, or animals considered to be "sensitive" under a variety of criteria including: 1) listing as rare, threatened, or endangered under the Federal and/or State Endangered Species Acts; 2) State or Federal Candidates for listing as rare, threatened or endangered; 3) California Species of Special Concern; 4) Special Plants or Animals as listed by the Department of Fish and Game; 5) plant species included in the California Native Plant Society's "Inventory of Rare and Endangered Vascular Plants of California"; or 6) plant or animal species considered locally uncommon or declining by biologists familiar with regional population trends.

Valley Needlegrass Grassland

The Valley Needlegrass grassland habitat is found on the more level areas of the UCD where the soils are deep due to the landslides. The major grass species comprising this habitat is purple needlegrass (*Nassella pulchra*). In many areas, especially moister slopes, foothill needlegrass (*Nassella lepida*), thingrass (*Agrostis pallens*), and giant wildrye were also found. The biological surveys of the UCD site identified 8.1-acres of habitat predominated by these native grasslands, while 6.1-acres contain mixed coastal sage scrub and grassland.

The grassland habitat areas found on the UCD site are of particularly high quality. Much of the area was found to have a density of native grasses over 40 percent and some areas approach 90 percent cover with few non-native plant species present. The EIR states that: "Along with some well-known examples (i.e. La Jolla Valley and Nicholas Flat), the native grasslands on the UCD site are among the best examples of this community in the Santa Monica Mountains".

Although few of the plant species that make up the grassland community are individually considered to be sensitive, the habitat itself is "considered of highest priority for conservation in California" (EIR, 1998). Valley needlegrass grassland is considered "very threatened" and meriting urgent monitoring and restoration efforts in the CDFG's Natural Diversity Database (NDDDB). The EIR states that:

Davis (1994) concluded that this community has been reduced to a statewide total of about 3 square kilometers, and that less than 10 percent of this area is protected (the remainder is on private land). These estimates are admittedly conservative and other

biologists estimate the extent to be much larger statewide, although these areas may be dominated by non-native species. Nonetheless, valley needlegrass grassland is one of the most negatively affected plant communities in California, much reduced from its former extent.

This perennial grassland habitat is typically located on level terrain on deep soils with a high clay content. The majority of such areas have been converted to agriculture, subjected to disturbance that allows replacement of native grassland species with annual grasses, or graded for development, thereby significantly reducing the historical extent of the habitat statewide.

Venturan Coastal Sage Scrub

The plant community that occupies the largest area of the UCD site is the 31.2-acres of Venturan coastal sage scrub. The areas of this habitat on the UCD site are dominated by black sage (*Salvia mellifera*), purple sage (*Salvia leucophylla*), coastal sagebrush (*Artemisia californica*), and deerweed (*Lotus scoparius*). As discussed in the EIR, some of the coastal sage scrub area is likely to be a successional habitat, which means that it has appeared after fire in areas previously covered by chaparral. This is common because coastal sage species can resprout more quickly than the woodier chaparral species. The EIR states that: "Coastal sage scrub is not a successional community in areas where the soils, moisture, and exposure favor the development of mature coastal sage scrub plant species over the more steep slope, rocky soil-adapted chaparral species".

Venturan coastal sage scrub habitat is considered "very threatened" by the CDFG's Natural Diversity Database (NDDDB).

Northern Mixed Chaparral

Given that the UCD site is predominately south-facing, chaparral habitat area is limited. According to the EIR, fires have further reduced this habitat type in 1993 and 1996. Chaparral habitat undisturbed by the fires is located only in a canyon on the east of the UCD site, totaling 5-acres. However, chaparral is found just outside the development area to the north and east. On the UCD site, the chaparral community is made up of a mixture of plant species including chamise (*Adenostoma fasciculatum*). Other less common plant species that were identified in this habitat area include big-pod ceanothus (*Ceanothus megacarpus*), greenbark ceanothus (*Ceanothus spinosus*), toyon (*Heteromeles arbutifolia*), and others.

Non-Native (Annual) Grassland

The biological surveys also identified small areas of non-native grasslands which are dominated by annual grassland species such as wild oat (*Avena barbata*), various bromes, foxtail barley (*Hordeum murinum*), Italian ryegrass (*Lolium multiflorum*), and others. These areas are located primarily in disturbed soils adjacent to the dirt fire roads

maintained by the University across the UCD site. The EIR states that: "Despite the annual, invasive nature of the associated plant species, this community does not replace native grasslands on natural undisturbed slopes. Annual grasslands are more prevalent on thin soils".

Plants

In addition to the habitat areas, four individual sensitive plant species were also identified on the UCD site. Following is a description of the sensitive plants:

Catalina mariposa lily (*Calochortus catalinae*)- frequently observed in grassland areas and among recently burned coastal sage scrub; occupies dry, open habitats.

Plummer's mariposa lily (*Calochortus plummerae* ssp. *plummerae*) – a more limited distribution on the site than Catalina mariposa lily, Plummer's mariposa lily was found along the high ridgeline on the eastern side of the UCD site, on other similar ridgelines in the vicinity, among coastal sage scrub.

Plummer's baccharis (*Baccharis plummerae* ssp. *plummerae*) – found on the site in different habitats, with no clear distinction of physical conditions that would indicate its presence.

Fish's milkwort (*Polygala cornuta* var. *fishiae*) – one individual located along the dirt road.

The Plummer's mariposa lily is the only plant of the four that was found in such a concentrated distribution that it could be mapped. The areas where this plant was identified are shown on Exhibit 7.

2. Wildlife on the UCD Site

The biological surveys of the UCD site indicate that wildlife use of the area is high. The EIR states that this is: "...in part due to the phenomenon of an increase in species diversity following the 1996 fire and during the early stages of vegetation recovery, when resources are unusually abundant". As described above, the UCD site has a combination of habitats and proximity to large natural habitat areas, which supports a diverse range of animals, including ones considered to be sensitive species.

There are several sensitive animal species that were either identified through direct observation or would be expected to be present on the UCD site, given the habitats present. In terms of invertebrates, the Santa Monica Mountains shieldback katydid and the Santa Monica Mountains hairstreak, both locally uncommon species, were not observed on the site but could not be ruled out. Monarch butterflies were observed foraging on the site, but no suitable roost sites were found to exist on the site.

No sensitive amphibian species were found or expected on the UCD site, due to the lack of perennial water sources. The Coast homed lizard and the Coastal whiptail lizard

were both found on the UCD site. The San Bernardino ringneck snake, San Diego mountain kingsnake and the Coast patch-nosed snake are expected on the site but were not observed at the time of the biological surveys.

The White-tailed kite, a California fully protected bird species, is observed regularly in the area and may use the grasslands on site to forage although no nesting habitat was found. The Loggerhead shrike, a California Species of Special Concern, was observed on the UCD site. This bird species is associated with grasslands and has declined with the reduction of this habitat. The Southern California rufous-crowned sparrow, a Species of Special Concern, was one of the more common birds observed. The Cooper's hawk has been observed in the area, although its preferred nesting and foraging areas are not found on the site.

Several species of bat were expected to be present on the site. The biological surveys identified signs of the presence of the American badger on the UCD site. The badger prefers grasslands and other open habitats, and is considered a Species of Special Concern. The Ringtail, a California Fully Protected Species, is considered a likely resident of the site. Finally, the San Diego desert woodrat, a Species of Special Concern, was the most commonly caught mammal species in the trapping program used for the Biological Database.

3. Environmentally Sensitive Habitat Areas.

§30240 of the Coastal Act requires that environmentally sensitive habitat areas are protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. In the certified Malibu/Santa Monica Mountains Land Use Plan (LUP), known sensitive resource areas are identified on the Sensitive Environmental Resources Map. In the vicinity of the Pepperdine University campus, several sensitive resource areas are identified. The Malibu Creek Significant Watershed (also known as SEA #5 in the Los Angeles County General Plan) is located to the northeast. The Solstice Canyon Significant Watershed is located to the west of the campus. Within each of these significant watershed areas, are riparian and oak woodland area which are designated as environmentally sensitive habitat areas, indicating that these areas meet the definition of ESHA found in the Coastal Act. Finally, Puerco Canyon to the west of the campus is designated as ESHA.

On the Pepperdine property, outside of the developed campus area, there are two areas that are designated in the LUP as containing sensitive resources. The northernmost "panhandle" area is located within the Malibu Creek Significant Watershed and also contains several oak or riparian ESHA areas. Additionally, an area along the northeast boundary is also located within the Malibu Creek Significant Watershed. The LUP did not designate any other areas on the Pepperdine campus as containing sensitive resources. However, Policy 57 of the LUP states:

Designate the following areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6), and (b) any

undesignated areas which meet the criteria and which are identified through the biotic review process or by other means...

Therefore, the intent is clearly that the LUP Sensitive Environmental Resources Map was to identify known ESHAs, but other ESHAs that might be identified subsequent to LUP certification would also be designated as such and provided protection under the ESHA policies of the LUP.

The Pepperdine LRDP, which was certified after the LUP, designates the same two areas located at the north and northeast portions of the campus as Significant Ecological Area #5. These areas are designated for open space uses only and the University has recorded open space dedications thereon. The LRDP map does not designate any other areas on the campus as containing sensitive resources. The written text of the LRDP, however, does contain the following description of ambient conditions: "An Environmentally Sensitive Habitat Area (ESHA) extends into the northern boundary of the University and the undeveloped portions of the campus contain environmentally sensitive areas as defined by Section 30107.5 of the Coastal Act".

Previous environmental documentation, including biological surveys, prepared for development of the UCD site has not included information on the sensitivity of the resources found there. An EIR was prepared in 1983 for the Pepperdine University Specific Plan 1982-1997. This plan included the development of 71.5-acres outside the developed campus (this area was inclusive of the 50.4 UCD site). The 1983 EIR identifies the areas outside the developed campus as containing Chaparral and Coastal Sage Scrub species. The 1983 EIR states that:

The most significant impacts will be associated with construction in the 64 acre area, and they will include loss of Chaparral, Coastal Sage Scrub and ruderal vegetation, and loss of habitat for associated animals, i.e. loss of 64 acres of vegetation and habitat. Approximately 1.4 million cubic yards of balanced cut and fill will be required for development in this area, which will unalterably remove ambient vegetation, however, no trees will be removed...The loss of 64 acres of habitat will force some animals to leave the area. However, this should not be significant since the campus is surrounded by considerable open space—Chaparral and Coastal Sage Scrub communities—which will not be altered by the planned development.

A "Biological Survey of the Pepperdine University Site for the Proposed School of Business and Management" was prepared by Environmental Audit, Inc. in 1989 for the consideration of the Commission in acting on the LRDP. This report states that: "Biological field and literature surveys have been conducted for the purpose of identifying any of the following which might be present on the proposed development site: sensitive habitat areas, rare or endangered plant species, rare or endangered animal species, and other significantly unique features". This biological survey identifies three plant communities on the UCD site: southern coastal sage scrub, chaparral, and southern California grassland. The report states that:

The grassland area shown near the center of Figure 3 is covered by a mixture of perennial and annual grasses intermixed with herbs. The most prominent perennial bunch grass appears to be purple needlegrass (Stipa pulchra). A large portion of the area contains purple sage (Salvia leucophylla) prominently mixed with the grasses.

This biological survey did not attach any sensitivity to the grassland habitat identified on the UCD site. The report states that: "While the vegetation in the study area seemed to represent a variety of types and conditions, none of these are unique with regard to the surrounding areas". The report of the survey results concludes that there are no rare or endangered plants on the site and the site is not critical habitat for any of the animal species that utilize it.

Notwithstanding the fact that no sensitive resources have been previously identified or designated for the UCD site in these past planning studies, substantial evidence has subsequently been provided by detailed, on-site biological studies that areas on the UCD site contain habitat that must be considered ESHA under the Coastal Act.

§30107.5 of the Coastal Act states that:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

As described above, the University's biological studies of the UCD site identified 8.1 acres of Valley Needlegrass grassland. This habitat type, which once covered extensive areas of the state, is now considered to be very threatened by virtue of its widespread conversion to other uses or its conversion to habitat more dominated by annual grass species as a result of disturbance. By some estimates, the statewide total area of Valley Needlegrass habitat is about 3 square kilometers, and less than 10 percent of this area is protected as public land. Therefore, the Commission must conclude that Valley Needlegrass grassland habitat is indeed rare.

Not only is the habitat type rare, habitat of the high quality that is found on the UCD site is apparently rarer still. The "Preliminary Descriptions of the Terrestrial Natural Communities of California" (Holland, 1986) describes Valley Needlegrass Grassland thus:

A midheight (to 2 ft) grassland dominated by perennial tussock-forming Stipa pulchra. Native and introduced annuals occur between the perennials, often actually exceeding the bunchgrasses in cover.

As described above, the on-site biological surveys of the UCD site identified the density of native grasses within the Valley Needlegrass grassland areas as exceeding 40 percent and in some areas as consisting of "relatively pure assemblages (90% or greater) of native grasses". The EIR for the UCD development characterizes the native grassland as "among the best examples of this community in the Santa Monica

Mountains". Therefore, the Commission concludes that the grassland habitat on the UCD site is particularly rare.

Further, grassland habitat could be easily disturbed or degraded by human activities and developments. This is evidenced by the fact that significant areas of the habitat have been disturbed, degraded or destroyed by human activities. Disturbance and removal of the native bunchgrasses allows annual grass species to gain a competitive advantage and transform the perennial grassland habitat to a different type.

The Commission's ecologist, Dr. John Dixon has reviewed the site-specific biological surveys of the UCD site and concludes that the Valley Needlegrass Grassland habitat is rare and that the evidence about the grassland found on the UCD site supports the designation as environmentally sensitive habitat area.

Further, the Commission has recognized native perennial grasslands in other areas to be environmentally sensitive habitat area. For instance, the County of Santa Barbara LCP designates native perennial grasslands as ESHA. In its decision on Amendment 2-97 to the Santa Barbara LCP (Ellwood Beach/Santa Barbara Shores), the Commission found that:

...the native grasslands are environmentally sensitive because this habitat type has been reduced in the region, and throughout the State; current estimates indicate that the remaining native perennial grasslands constitutes less than 0.1% of the pre-historically occurring grasslands. Of the remaining grasslands, less than 1.0% are protected in state or federal reserves. Consequently, native grassland habitat is considered to be one of the most endangered plant communities in California.

The Commission finds that, based on the evidence in the site-specific detailed biological surveys conducted on the UCD site and the EIR, the Valley Needlegrass Grassland habitat located on the site is an area in which plant or animal life or their habitats are rare and could be easily disturbed or degraded by human activities and developments. As such, these areas are designated as "environmentally sensitive areas" within the meaning of §30107.5 of the Coastal Act. The Commission finds that all areas on the Pepperdine campus which meet the Coastal Act definition of environmentally sensitive area must be protected as provided by §30240 of the Coastal Act, regardless of whether such areas have been previously designated as ESHA in other Commission actions, such as certification of the LUP or the LRDP.

4. Impacts

As described above, the UCD development in the LRDP, as proposed to be amended, would include 4.5 million cu. yds. of grading for site stabilization and construction of pads and roads. Given the geologic instability of the UCD site, complete reconfiguration of the site would be necessary to buttress or remove and recompact slide material. Additionally, manufactured cut and fill slopes would be created to form building pads and access roads. As such, the LRDP, as proposed to be amended, would result in the

complete loss of all habitat areas from the 50.4-acre UCD site. Additionally, fuel modification would be required in areas surrounding the UCD site to provide fire protection for the proposed structures. This would alter and potentially lead to the conversion to a different habitat type of approximately 5.8-acres of habitat that would not be otherwise removed by the proposed grading. Exhibit 8 overlays the proposed UCD on the habitat map and depicts the areas subject to fuel modification. The following table details the acreage of each habitat type that would be removed or fuel modified for the UCD development:

HABITAT TYPE	ACRES REMOVED (By UCD grading)	ACRES MODIFIED (By fuel modification)
Valley Needlegrass Grassland	8.1	0.47
Coastal Sage Scrub	31.2	3.25
Mixed Coastal Sage Scrub/Grassland	6.1	0.21
Northern Mixed Chaparral	5.0	1.70
Non-Native Grassland	0.02	0.0
Plummer's mariposa lily habitat	0.0	0.17
TOTAL	50.4	5.8

Further, all identified occurrences of the sensitive Catalina mariposa lily, Plummer's mariposa lily, Plummer's baccharis, and Fish's milkwort would be eliminated from the site.

As described above, the UCD site's natural plant communities provide valuable habitat for a wide variety of animal species. The habitats provide food and water, shelter, sites for breeding and materials for nest building. The removal of all native vegetation would result in the loss of 50.4-acres of suitable habitat for wildlife. Small, slow-moving, or burrowing animals may be killed as a result of the grading operations. Some animals may be able to relocate to surrounding open space areas, but competition with species already living there may preclude the long-term survival of displaced animals.

Although in scattered locations and not forming an oak woodland habitat, four oak trees would be removed. Additionally, 7,126 linear feet of stream channel (determined to be 0.4-acres of stream under the ACOE jurisdiction and 1.25-acres of stream channel under the CDFG jurisdiction) would be filled. Although no wetland or riparian habitat was found within these streams, they do provide an intermittent water source and habitat for wildlife.

As part of the EIR and conditional use permit processes, the County required mitigation measures to be incorporated into the UCD project that are intended to eliminate or minimize impacts to biological resources. These mitigation measures include: designating undeveloped areas of the campus as open space to be maintained by the University; developing a "Natural Resource Management Plan", to include plant salvage and restoration, use of native plants in landscaping, native grassland and scrub restoration plans, and exotic plant eradication; minimizing the use of pesticides; planting

replacement oak trees; and hydroseeding of some graded slopes with coastal sage scrub species. Additional mitigation measures include: compensation for the loss of onsite drainages through the enhancement of an equivalent amount of stream habitat within the watershed or if no site is available within the watershed, preservation of offsite habitat at a 3:1 acreage ratio. The University has proposed to dedicate a 72-acre site containing riparian habitat within Little Los Flores Canyon to satisfy this mitigation measure. Finally, mitigation measures were also required with regard to revegetation of fuel modified areas with native plants, salvaging seeds from Plummer's mariposa lily plants for later re-introduction on the campus, control of lighting, and prohibition on cats and dogs.

As a measure to partially mitigate the impacts to grassland habitat, the EIR required the protection of in-kind grassland habitat or other degraded areas at a 1:1 ratio. If suitable habitat is not available for preservation, the University would be required to undertake the enhancement of a degraded grassland area within the Santa Susana/Santa Monica Mountains. Prior to the destruction of the grassland, the University would be required to collect seeds and plugs to use for propagation in any restoration project. In addition, the Planning Commission required, as a condition of approval on the conditional use permit, that the University donate \$75,000 as a contribution for the acquisition by a public resource agency of resource property in the Santa Monica Mountains containing valley needlegrass suitable for park management and preservation.

Despite these measures, the EIR for the UCD project acknowledges that the loss of the Valley Needlegrass grassland would be a significant adverse impact that could not be fully mitigated. The EIR states that:

Impacts to native grassland with its unique structure, function, and narrow distribution, are more difficult to mitigate for the following reasons: (1) the successful creation of a new grassland elsewhere would be uncertain as the necessary soil and other conditions are still somewhat experimental; (2) creating a new grassland habitat could involve removal of another type of habitat that supports other biological resources; (3) there is no space within the 50.4 acre parcel for onsite creation of additional native grassland as the flat areas are already proposed for development; and (4) offsite preservation of existing protected grassland at 1:1 can not fully compensate for their removal onsite.

In addition, the EIR identifies that the loss of sensitive wildlife and wildlife habitat area, direct mortality to wildlife, and loss of sensitive plant species (Catalina mariposa, Plummer's mariposa lily, Plummer's baccharis, and Fish's milkwort), would result in significant adverse impacts that could not be fully mitigated.

In addition to mitigation measures, the EIR considered six alternatives to the UCD project. These alternatives include:

1. No Project Alternative
2. All Housing Alternative—Instructional buildings would be deleted and only housing uses would be constructed within the same grading footprint

3. Specific Plan Alternative—Construction of 72-acre project originally approved by the County in Pepperdine's Specific Plan
4. Alternative Site#1—Project located on 28-acre Adamson Hotel Site (Located directly across Malibu Canyon Road from the University)
5. Alternative Site#2—Project located on 44-acre site in the Malibu Civic Center area (Located north of Pacific Coast Highway)
6. Reduced Footprint Alternative—Development of lower 20.4-acre portion of UCD site

The EIR concludes that the "No Project" alternative would result in the fewest number of impacts. Under CEQA, an EIR should also determine an additional environmentally superior alternative above and beyond the no project alternative. In this case, the EIR determined that Alternative 4 (Adamson Property alternative site) would result in the fewest adverse impacts.

5. Analysis.

As described above, the 50.4-acre UCD site is in an essentially natural, undisturbed state and contains various habitat areas, including chaparral, coastal sage scrub, and native grassland. It is clear that the LRDP, as proposed to be amended, will result in significant adverse impacts to sensitive biological resources on the 50.4-acre UCD site.

Section 30240(a) of the Coastal Act requires that environmentally sensitive habitat areas are protected against any significant disruption of habitat values and that only uses dependent on those resources can be allowed within ESHA. The LRDP, as proposed to be amended, is clearly not consistent with this policy. The Valley Needlegrass grassland areas on and adjacent to the UCD site, which the Commission designates as ESHA, would not be protected against any significant disruption of habitat values. Rather, these areas would be destroyed as a result of the proposed 4.5 million cu. yds. of grading for site stabilization and creation of pads and roads. Further, uses within the ESHAs would not be restricted to those which are dependent on the resources. Roads, housing, and parking would be located within the areas now occupied by the grassland ESHAs. These uses are not resource dependent.

Additionally, Section 30240(b) of the Coastal Act requires that development in areas adjacent to ESHA is sited and designed to prevent impacts which would significantly degrade these areas, and is compatible with the continuance of the habitat areas. The LRDP, as proposed to be amended, is not consistent with this policy. Since the entire UCD site would be graded, the development in areas adjacent to the ESHAs would not prevent impacts and would not be compatible with the continuance of the habitat areas. Rather, it would result in the loss of the ESHA.

Typically, to ensure compliance with §30240 of the Coastal Act, development (aside from resource dependent uses) must be located outside of all environmentally sensitive habitat areas. Further, development adjacent to an ESHA must provide a setback or

buffer between the ESHA and the development of an adequate size to prevent impacts that would degrade the resources. The width of such buffers would vary depending on the type of ESHA, be it oak woodland, riparian habitat, or grassland; and depending on the type of development, topography of the site, and the sensitivity of the resources to disturbance.

In this case, the instability of the UCD site would prevent the University from re-siting or redesigning development to be located outside the ESHAs with an appropriate buffer to protect against any significant disruption to the grassland habitat values. Even if the road and pad grading could be redesigned to avoid the grassland areas, the underlying landslides would still require stabilization for the site to be developed.

As described above, the EIR for the project acknowledges that there would be significant adverse impacts to the Valley Needlegrass grassland habitat, which the Commission designates as ESHA. These impacts cannot be mitigated, although the EIR includes a mitigation measure designed to lessen the impacts to grassland. This measure is the protection of in-kind grassland habitat or other degraded areas at a 1:1 ratio. If suitable habitat is not available for preservation, the University would be required to undertake the enhancement of a degraded grassland area within the Santa Susana/Santa Monica Mountains. Prior to the destruction of the grassland, the University would be required to collect seeds and plugs to use for propagation in any restoration project. In addition, the Planning Commission required, as a condition of approval on the conditional use permit, that the University donate \$75,000 as a contribution for the acquisition by a public resource agency of resource property in the Santa Monica Mountains containing valley needlegrass suitable for park management and preservation.

However, §30240 does not provide for such measures in lieu of protecting ESHA resources. A recent Court of Appeal decision [*Bolsa Chica Land Trust v. Superior Court*, 71 Cal. App. 4th 493, 83 Cal Rptr. 2d 850 (1999)] speaks to the issue of mitigating the removal of ESHA through development by "creating" new habitat areas elsewhere. This case was regarding a Commission action approving an LCP for the Bolsa Chica area in Orange County. The Commission determined that a eucalyptus grove that serves as roosting habitat for raptors qualified as ESHA within the meaning of §30107.5 of the Coastal Act. The Commission found that residential development was permissible within the ESHA under §30240 because the eucalyptus grove was found to be in decline and because the LCP required an alternate raptor habitat be developed in a different area.

In the decision, the Court held the following:

The Coastal Act does not permit destruction of an environmentally sensitive habitat area [ESHA] simply because the destruction is mitigated offsite. At the very least, there must be some showing that the destruction is needed to serve some other environmental or economic interest recognized by the act. 83 Cal.Rptr. at 853.

The Court also said:

Importantly, while the obvious goal of section 30240 is to protect habitat values, the express terms of the statute do not provide that protection by treating those values as intangibles which can be moved from place to place to suit the needs of development. Rather, the terms of the statute protect habitat values by placing strict limits carefully controlling the manner uses in the area around the ESHA are developed. 83 Cal.Rptr. 2d at 858.

Thus, in keeping with this decision, the Commission concludes that the requirements of §30240 cannot be met by destroying, removing or significantly disrupting an ESHA and creating or restoring commensurate habitat elsewhere. Therefore, in this case, the LRDP, as proposed to be amended, cannot be approved as submitted because it proposes the destruction of the Valley Needlegrass grassland ESHA on the UCD site, even with the proposed mitigation measures of restoring or preserving off-site habitat and contributing \$75,000 toward the purchase of grassland habitat offsite.

The Commission has considered whether there are alternative designs that could be employed for the UCD site that could protect the grassland ESHA, consistent with §30240. One of the alternatives (Alternative 6) considered in the EIR consisted of a reduced building site. This 20.4-acre building area would be the lower 2/5 (approximately) of the UCD site and would require 980,000 cu. yds. of grading (825,000 cu. yds. cut and 155,000 cu. yds. fill). This alternative would reduce landform alteration (although a large amount of cut material would have to be disposed of) and the filling of streams on the site would be significantly reduced. Under this alternative, impacts to sensitive resources would be reduced. For instance, the area of native grassland ESHA removed would be reduced from 8.1-acres to 4.14-acres; the area of coastal sage scrub removed would be reduced from 31.2-acres to 10.17-acres; and the areas of mixed coastal sage/grassland would be reduced from 6.1-acres to 4.16-acres. This would result in a commensurate decrease in impacts to wildlife. Nonetheless, this alternative project would still result in the destruction of grassland ESHA, inconsistent with §30240 of the Coastal Act. Thus, the Commission finds that the project redesigned in this manner could not be found consistent with the Coastal Act. The Commission could identify no other alternative designs for development on the UCD site that would be consistent with §30240, given the geologic instability and the location of the ESHA.

As described above, there are other alternatives to the LRDP, as proposed to be amended, that could minimize impacts to sensitive resources. The no-project alternative would allow for the on-site protection of the Valley Needlegrass Grassland ESHA, as well as other sensitive resources on the UCD site, consistent with §30240 of the Coastal Act. Among the alternatives that could be found consistent with §30240 of the Coastal Act is the off-site (Adamson Property) location alternative, or addition of development area within the existing developed campus, depending on the sensitive resources that might be present on any of the alternative site locations. The Adamson Property, which is located across Malibu Canyon Road to the southwest of the University, is smaller in

size (28.28-acres) than the UCD site. As such, project redesign would be necessary such that fewer buildings or a higher density of development was incorporated. One of these alternatives could be chosen by the University to accommodate the graduate school uses that would be developed in the Upper Campus area under the LRDP, as proposed to be amended herein.

Finally, the Commission finds that it would not be possible to suggest modifications to the LRDP, as proposed to be amended, that could redesign the UCD development such that it could protect the grassland ESHA against significant disruption of habitat values, as required by §30240 of the Coastal Act. The LRDP, as proposed to be amended, even with the inclusion of the mitigation measures required as part of the EIR, cannot be found consistent with §30240 of the Coastal Act. Therefore, the Commission finds that the LRDP, as proposed to be amended, must be denied.

E. California Environmental Quality Act

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Long Range Development Plans for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying LRDPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LRDP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(1) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LRDP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

For the reasons discussed in this report, the LRDP, as proposed to be amended, is inconsistent with the Chapter 3 policies of the Coastal Act and there are feasible alternatives available which would lessen any significant adverse effect which the development would have on the environment.

In particular, the UCD development would not minimize risks to life and property in an area of high geologic hazard, inconsistent with §30253 of the Coastal Act. Further, the 4.5 million cu. yds. of grading proposed for site stabilization and creation of pads and roads does not minimize landform alteration as required by §30251 of the Coastal Act. Finally, the LRDP, as proposed to be amended, would result in the destruction of Valley Needlegrass Grassland from the site. This grassland is a rare and threatened habitat, designated by the Commission as an environmentally sensitive area, within the meaning of §30107.5 of the Coastal Act. Given the geologic instability of the site and the grading necessary for stabilization, the areas of grassland ESHA on the UCD site cannot be protected against significant disruption of habitat values, even with a reduced development footprint, as required by §30240 of the Coastal Act.

As described above, there are alternatives to the LRDP, as proposed to be amended, that could minimize impacts to sensitive resources. The no-project alternative would protect the habitat values of the grassland ESHA as well as the other sensitive resources. Among other alternatives that could minimize adverse environmental impacts is the off-site location alternative, or addition of development area within the existing developed campus, depending on the sensitive resources that might be present on any of the alternative site locations. One of these alternatives could be chosen by the University to accommodate the graduate school uses that would be developed in the Upper Campus area under the LRDP, as proposed to be amended herein.

ATTACHMENT 1

SUBSTANTIVE FILE DOCUMENTS

Final Environment Impact Report, Pepperdine University Upper Campus Development, prepared by Envicom Corporation, dated February 1999

Draft Environment Impact Report, Pepperdine University Upper Campus Development, prepared by Envicom Corporation, dated July 1998

Preliminary Geotechnical Investigation of the Site for LRDP units outside of the Existing Developed Area at Pepperdine University, prepared by Leighton and Associates, dated March 15, 1989

Geologic Review of Active, Potentially Active, and Inactive Faults on and in the Vicinity of Pepperdine University, prepared by Leighton and Associates, dated July 6, 1989

Response to California Coastal Commission Review Letter dated July 6, 1989, pertaining to the Long-Range Development Plan Pepperdine University, prepared by Leighton and Associates, dated August 2, 1989

Review of Tentative Tract Map No. 49767 for the Site of LRDP Units (Outside of Existing Developed Area), prepared by Leighton and Associates, dated August 16, 1990

Geotechnical Investigation of Secondary Access Road Feasibility, prepared by Leighton and Associates, dated November 23, 1993

Preliminary Geotechnical Investigation of the Upper Campus Development Plan, prepared by Leighton and Associates, dated May 13, 1997

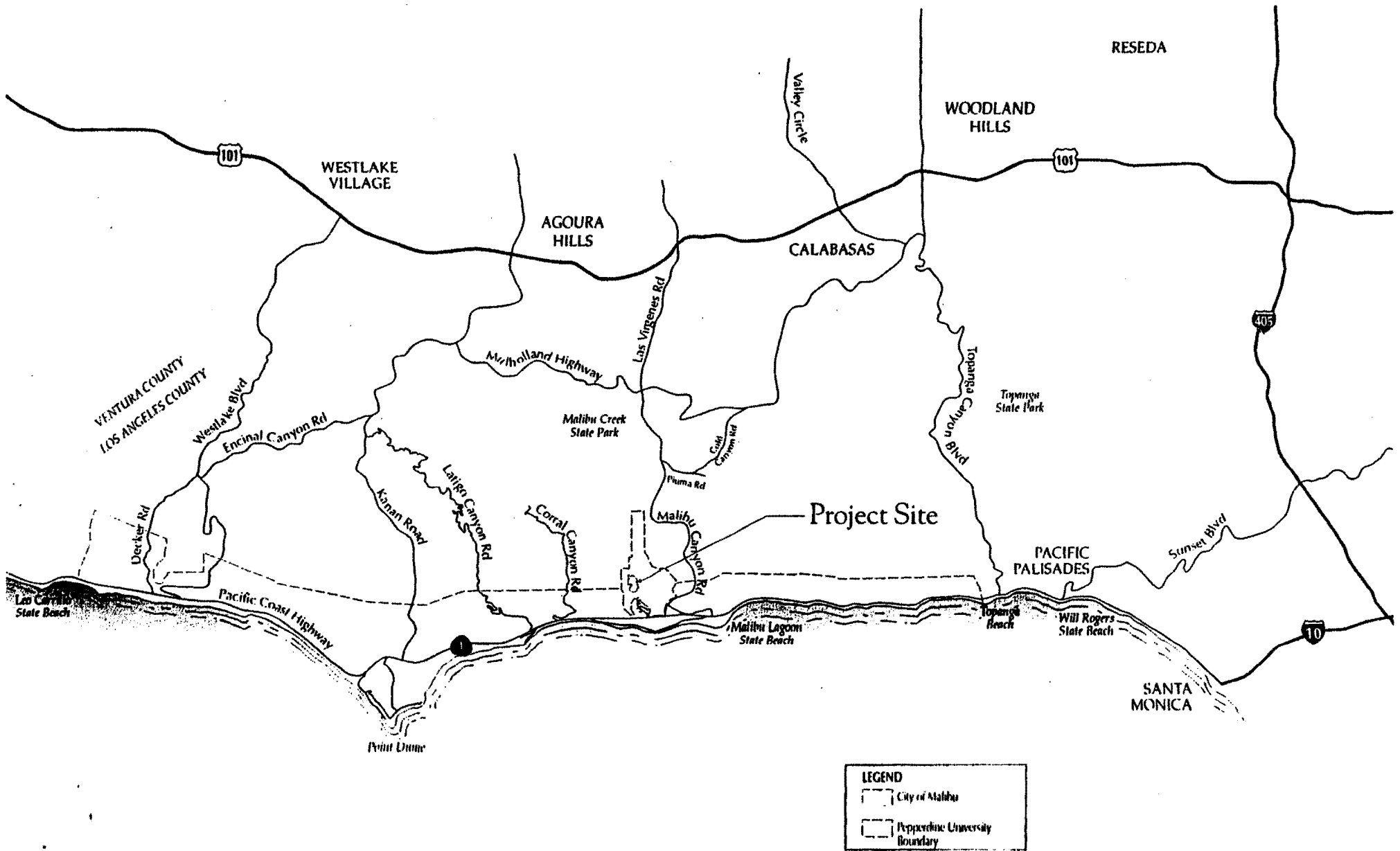
Geotechnical Review of Grading Plan for the Graduate Campus Project, prepared by Leighton and Associates, dated July 16, 1999

Biological Database for Pepperdine University, prepared by Planning Consultants Research, dated September 29, 1995

Oak Tree Report for Pepperdine University, prepared by Planning Consultants Research, dated January 1996

Draft Environmental Impact Report for the Pepperdine University Specific Plan 1982-1997, prepared by Bright & Associates, dated December 1983

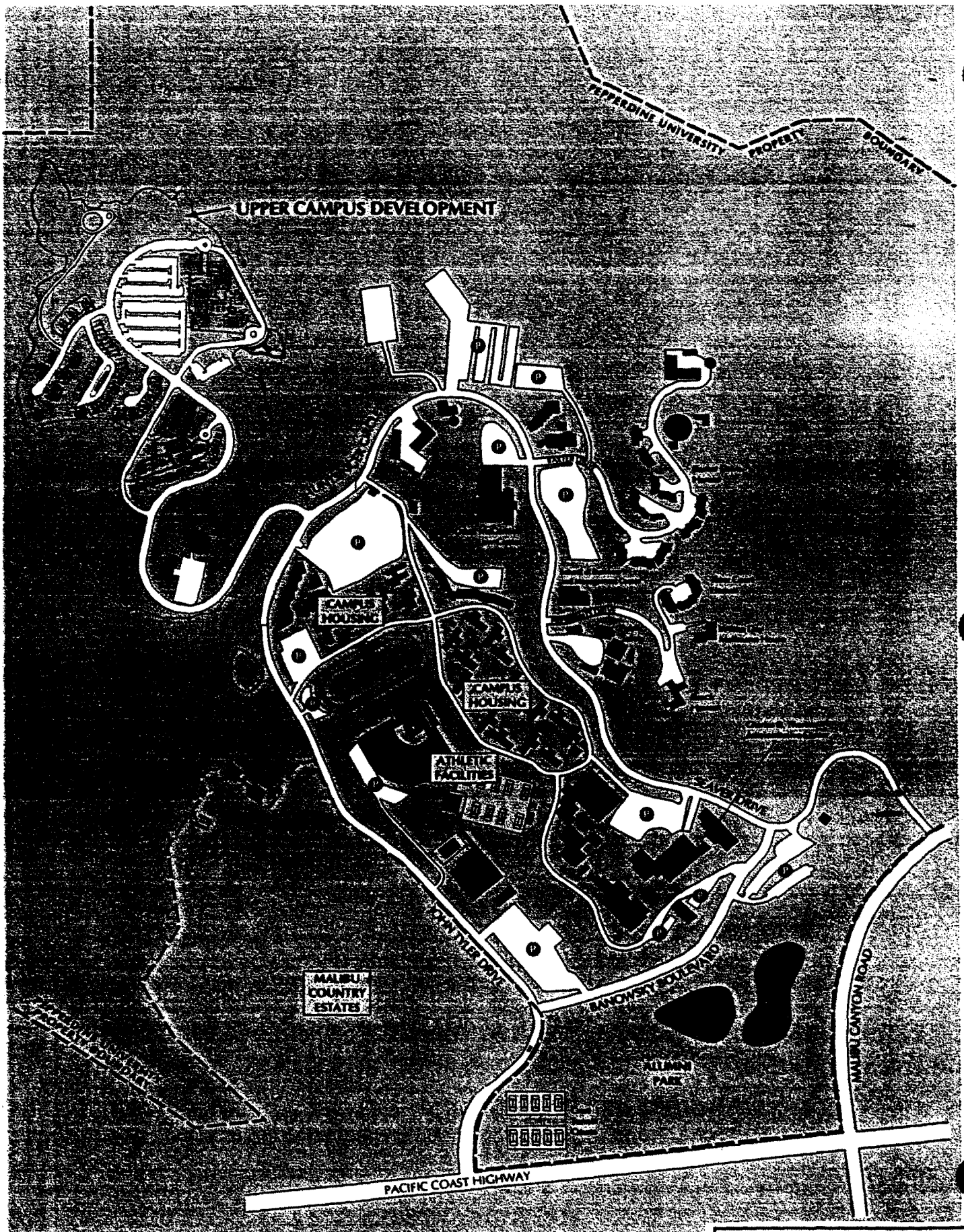
Biological Survey of the Pepperdine University Site for the Proposed School of Business and Management, prepared by Environmental Audit, Inc., dated March 1989

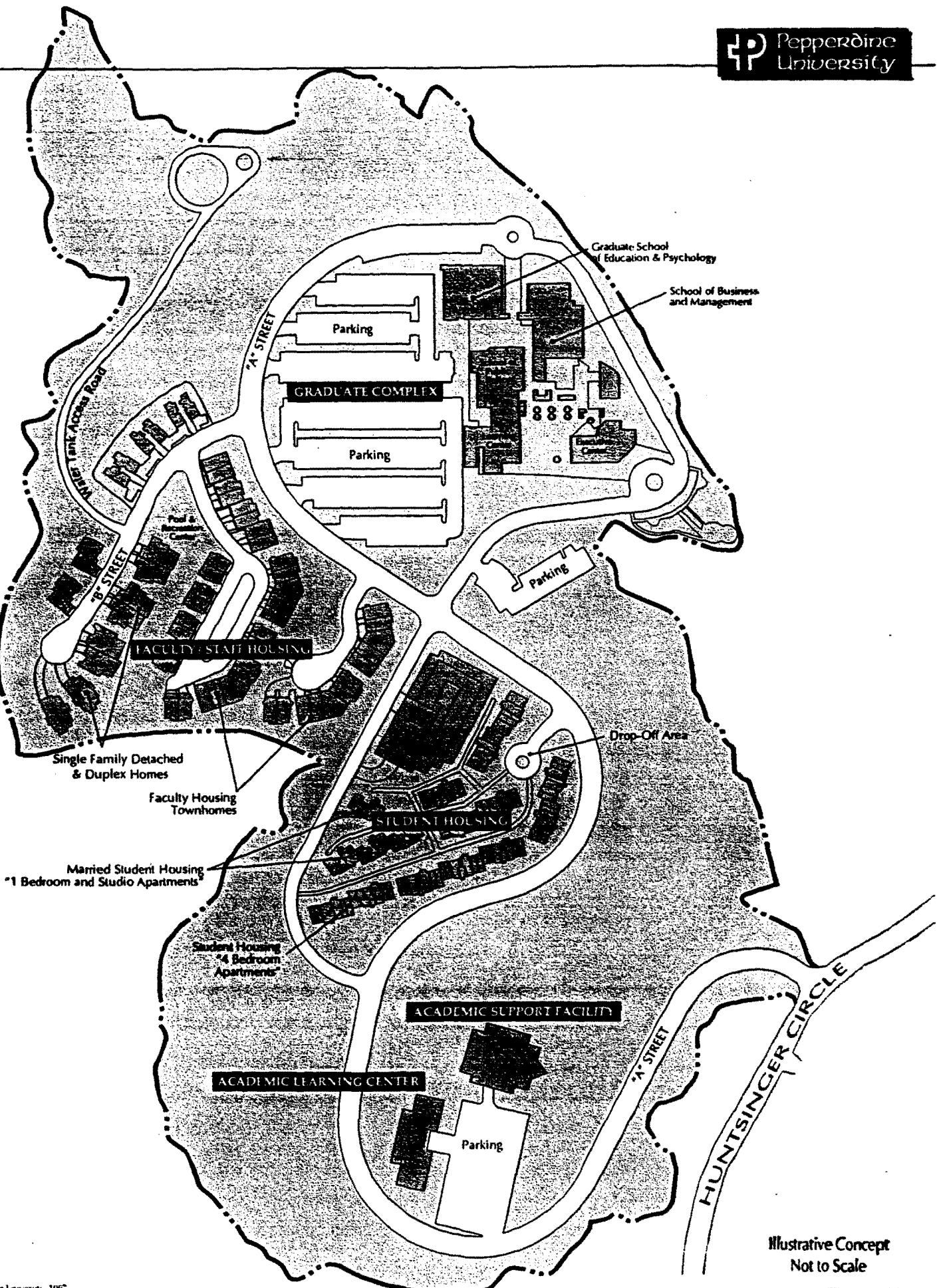


Local Setting



EXHIBIT 1
Pepperdine LRDPA 1-99
Vicinity Map



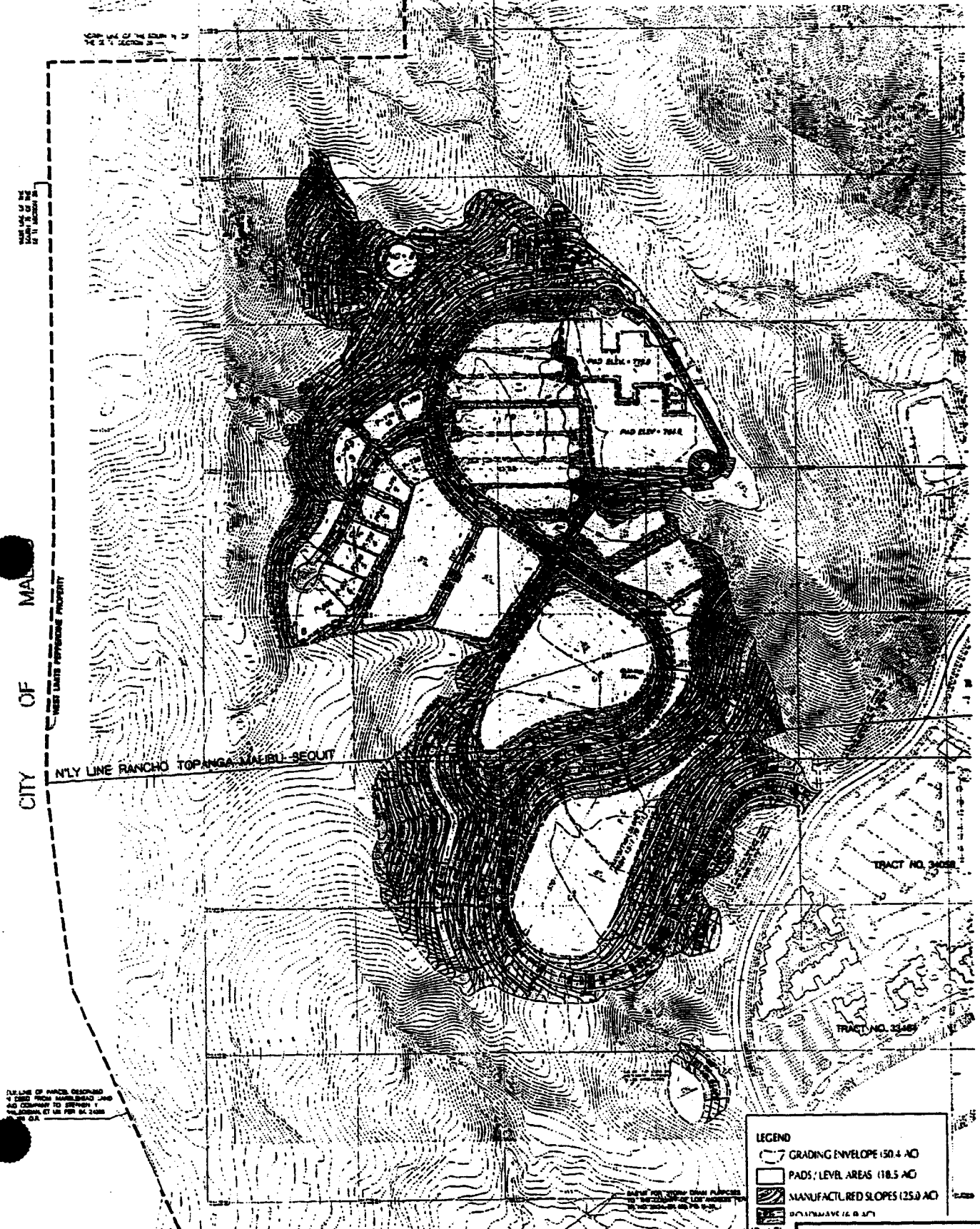


Source: Pepperdine University, 1997

Illustrative Concept
Not to Scale

Proposed Graduate Campus Project

EXHIBIT 3
Pepperdine LRDP 1-99
UCD Site Plan



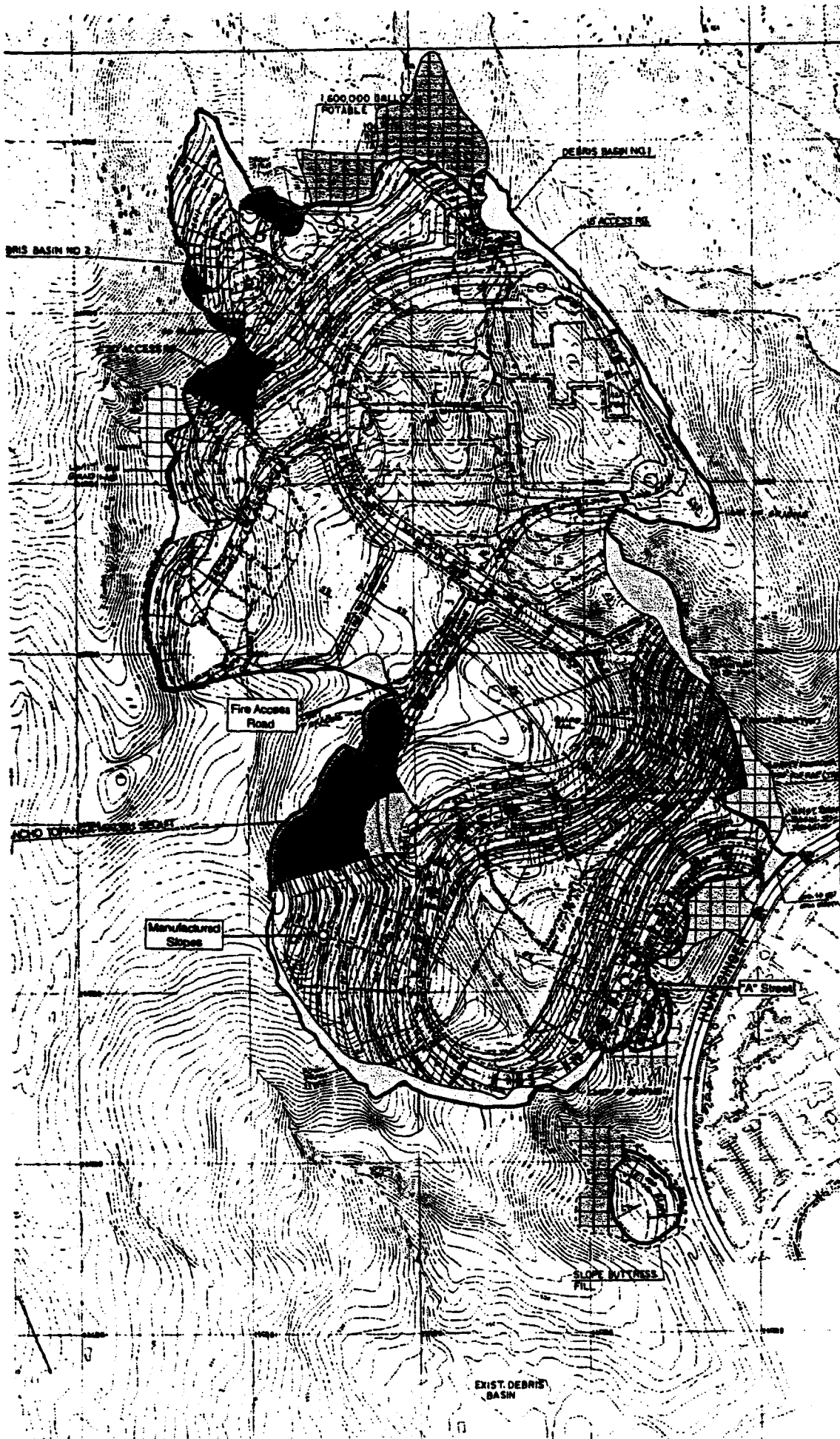
THE LINE OF PARCELS DESCRIBED
 IS CORRECT FROM AERIAL PHOTO
 AND COMPARED TO SURVEY
 OF RECORD, ET AL PER 04-2008
 PER 04

- LEGEND**
- GRADING ENVELOPE (50.4 AC)
 - PADS / LEVEL AREAS (18.5 AC)
 - MANUFACTURED SLOPES (25.0 AC)
 - (PAD ELEV.)

(Source: ALBERT C. MARTIN & ASSOCIATES, Plan Date: 12/4/95)

Conceptual Grading Plan

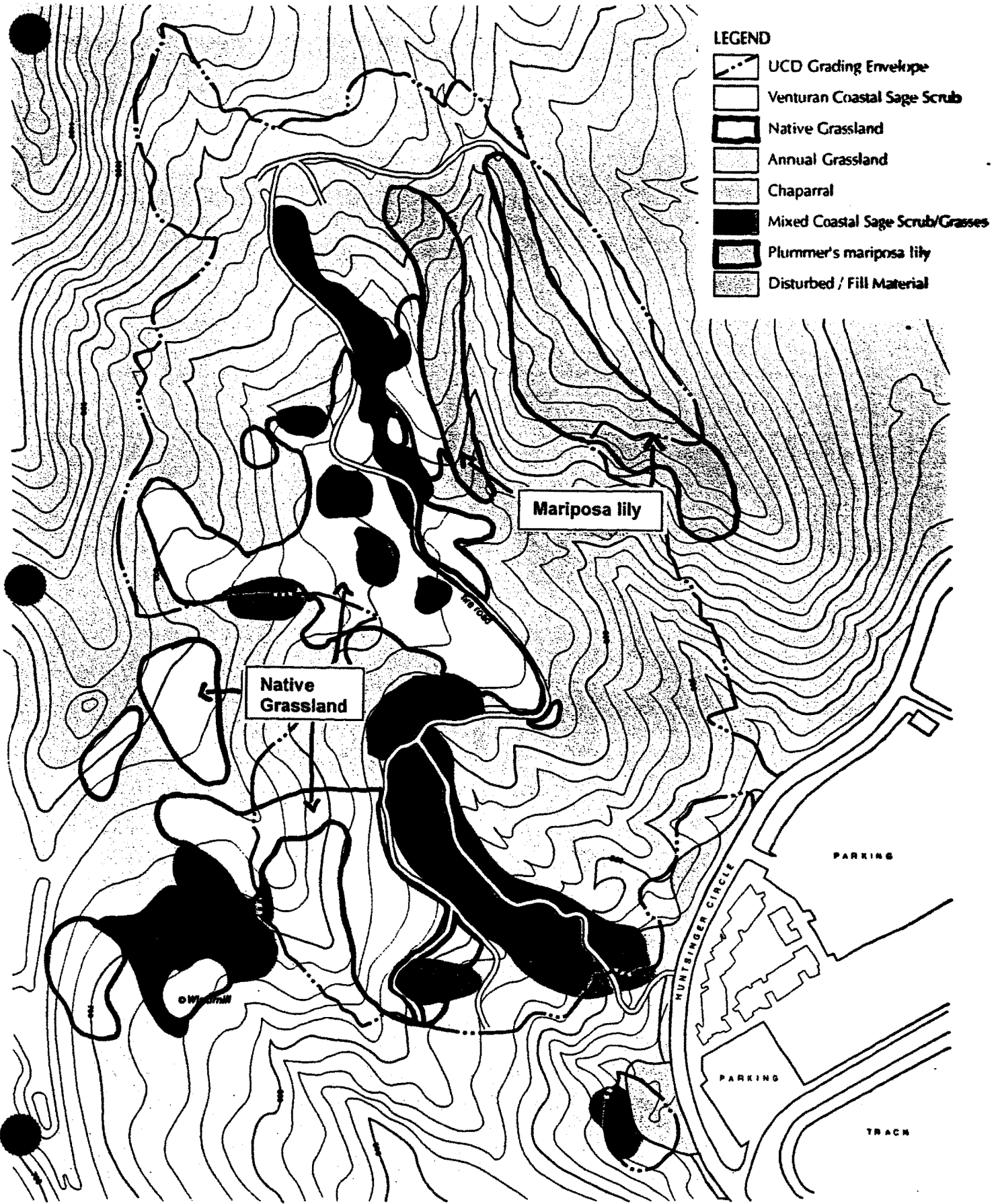
EXHIBIT 5
Pepperdine LRDP 1-99
Conceptual Grading Plan



COMPARATIVE AREAS

	Added Due to Grading Design Refinements (+1.9 Acres)
	Deleted Due to Grading Design Refinements (-1.2 Acres)
	Added Due to Further Geotechnical Investigations (+0.5 Acres)
	Deleted Due to Further Geotechnical Investigations (-1.6 Acres)
	Added Due to Revised Water Tank Location (+0.7 acres)
	Deleted Due to Revised Water Tank Location (-1.7 Acres)
	Added Due to New Fire Access Road (+1.3 Acres)
	Net Change in Plan Area = 0.0 Acres
	Grading Limits Per Plan Dated 7/28/89
	Geotechnical Grading Beyond, Per Plan Dated 7/28/89
	Current Grading Limits, Including Geotechnical Dated 12/4/95 LRDPA

Comparison Between Original and Proposed Grading Plan



LEGEND

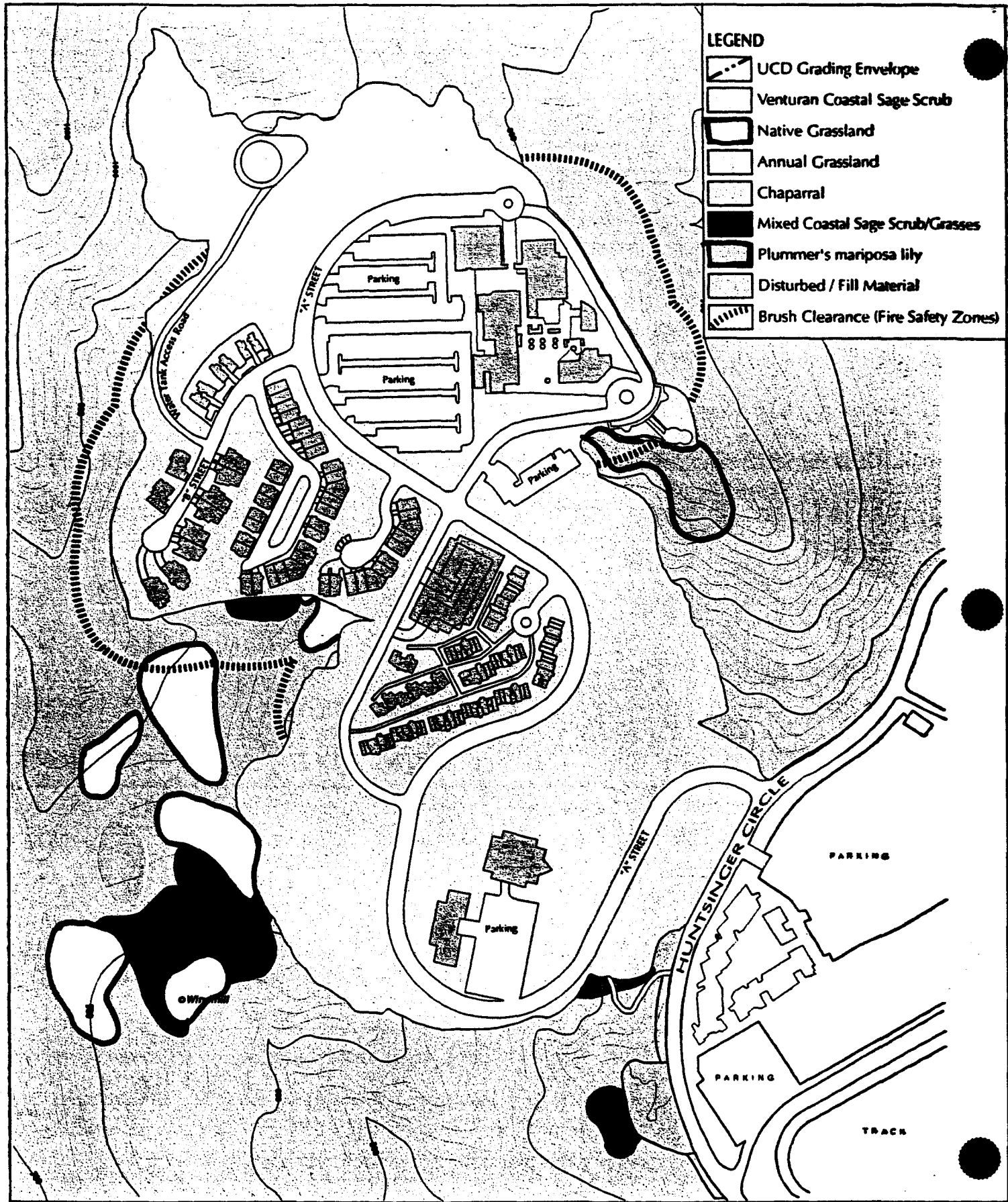
- UCD Grading Envelope
- Venturan Coastal Sage Scrub
- Native Grassland
- Annual Grassland
- Chaparral
- Mixed Coastal Sage Scrub/Grasses
- Plummer's mariposa lily
- Disturbed / Fill Material

Source: Planning Consultants Research, 1995 / Ericsson Corporation 1997

Vegetation Map



EXHIBIT 7
Pepperdine LRDPA 1-99
Habitat Map



Source: Planning Consultants Research, 1995 / Euston Corporation 1997

200' Brush Clearance (Fire Safety Zones)



FEET

EXHIBIT 8
Pepperdine LRDP 1-99
Fuel Modification