

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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VENTURA, CA 93001
(805) 585-1800



RECORD PACKET COPY

DATE: April 1, 2004

TO: Commissioners and Interested Persons

FROM: Charles Damm, Senior Deputy Director
John Ainsworth, Supervisor, Planning and Regulation
Kara Kemmler, Coastal Program Analyst

RE: **Notice of Impending Development 1-04, Pursuant to the Pepperdine University Certified Long Range Development Plan for Public Hearing and Commission Action at the April 15, 2004 Commission Meeting in Santa Barbara.**

SUMMARY AND STAFF RECOMMENDATION

The impending development consists of the Vesting Tentative Tract Map 49767 related to the previously approved Upper Campus Project (NOID 3-99) located on the Upper Campus at Pepperdine University, Malibu (Exhibits 1 & 2). The subdivision consists of five lots: one lot containing 48 condominium units totaling approximately 100,800 sq. ft., 6 duplex units and 2 detached single family homes totaling approximately 30,000 sq. ft., and four lots for financing purposes containing 150,500 sq. ft. of academic facilities and 104,000 sq. ft. of student housing facilities. All of the development within the tract map boundaries has been previously approved.

The required items necessary to provide a complete notice of impending development were received in the South Central Coast Office on March 9, 2004, and the notice was deemed filed on March 19, 2004. Staff is recommending that the Commission determine that the impending development **is consistent** with the certified Pepperdine University Long Range Development Plan (LRDP) with one special condition regarding the restricted use and sale of faculty/staff housing, which is necessary to bring the development into conformance with the LRDP.

SUBSTANTIVE FILE DOCUMENTS: Certified Pepperdine University Long Range Development Plan; Pepperdine University NOID 3-99.

I. PROCEDURE

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

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

II. STAFF RECOMMENDATION

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development 1-04, as conditioned, is consistent with the certified Pepperdine University Long Range Development Plan and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

MOTION: *I move that the Commission determine that the development described in the Notice of Impending Development 1-04, as conditioned, is consistent with the certified Pepperdine University Long Range Development Plan.*

RESOLUTION TO DETERMINE DEVELOPMENT IS CONSISTENT WITH LRDP:

The Commission hereby determines that the development described in the Notice of Impending Development 4-01, as conditioned, is consistent with the certified Pepperdine University Long Range Development Plan for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS

1. Restricted Use and Sale of Faculty/Staff Housing

A) Prior to recording Final Tract Map 49767 described in NOID 1-04, the applicant shall submit for the review and approval of the Executive Director, Covenants, Conditions and Restrictions that provide that the residential units approved in NOID 3-99 may only be sold or transferred to, or occupied by, faculty or staff of Pepperdine University, and shall be binding on each of the residential units in the subdivision, shall run with the land affected by

the subdivision, and shall be included in every deed transferring one or more of the units in the subdivision and every lease for occupancy of such units.

- B) In the event that the above stated Covenants, Conditions and Restrictions are removed, the cumulative impacts of the development with respect to build-out of the Santa Monica Mountains shall be adequately mitigated by extinguishing the development rights for residential use on the same number of building sites/lots as those created. The building sites/lots shall be located in the Santa Monica Mountains Coastal Zone.

The method used to extinguish the development rights shall be either a Transfer of development Credit type transaction, a lot retirement/lot purchase program (as described in the Malibu/Santa Monica Mountains Land Use Plan, Policy 272, 2-6), or the retirement of habitat or watershed land, located outside the boundary of the University owned property, in an amount that is equivalent to the number of building sites, as determined by the Executive Director of the California Coastal Commission.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. BACKGROUND

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

Subsequently, the Commission approved, as submitted, LRDP Amendment 1-99 to make seven revisions to the approved 50.4-acre Upper Campus Development. The approved

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.

The most recently approved notice of impending development (NOID 3-99) is known as the Upper Campus Development (UCD) project. The 50.4-acre UCD site is located northwest of the existing, developed campus, above Huntsinger Circle. The UCD included the following:

- 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;
- 1,338 parking spaces;
- and 4.5 million cu. yds. of grading (2.25 million cu. yds. cut and 2.25 million cu. yds. fill).

The NOID (3-99) was approved with eight special conditions regarding: plans conforming to geologic recommendations; geologic/geotechnical review sheets; landscaping and erosion control; runoff pollution prevention program; assumption of risk, waiver of liability and indemnity; biological resources; timing of construction; and supplemental wet weather erosion and sediment control plans.

B. DESCRIPTION OF IMPENDING DEVELOPMENT

The impending development consists of the Vesting Tentative Tract Map 49767 related to the previously approved Upper Campus Development project, NOID 3-99 described above, located on the Upper Campus at Pepperdine University, Malibu (Exhibits 1 & 2). The subdivision consists of five lots: one lot containing 48 condominium units totaling approximately 100,800 sq. ft., 6 duplex units and 2 detached single family homes totaling approximately 30,000 sq. ft., and four lots for financing purposes containing 150,500 sq. ft. of academic facilities and 104,000 sq.

ft. of student housing facilities. All of the development within the tract map boundaries has been previously approved.

C. NEW DEVELOPMENT

The LRDP contains policies relating to new development, which serve to minimize individual and cumulative impacts on coastal resources. The New Development section of the LRDP contains the following policies:

All land divisions shall be consistent with the density designated by the Los Angeles County Land Use Plan Map and all parcels to be created shall contain a sufficient area to site a dwelling or other principal structure consistent with the LRDP. All land divisions shall be considered to be a conditional use.

All single family residential faculty and staff housing units proposed as future development under the certified LRDP Master Plan Facilities that require the division of land shall be deed restricted to use for faculty/staff housing under the same terms and conditions, including resale restriction, as other Pepperdine University on-campus housing, subject to the review and approval of the Executive Director of the California Coastal Commission.

In the event that the above stated deed restriction is removed, the cumulative impacts of the development with respect to build-out of the Santa Monica Mountains shall be adequately mitigated by extinguishing the development rights for residential use on the same number of building sites/lots as those created. The building sites/lots shall be located in the Santa Monica Mountains Coastal Zone.

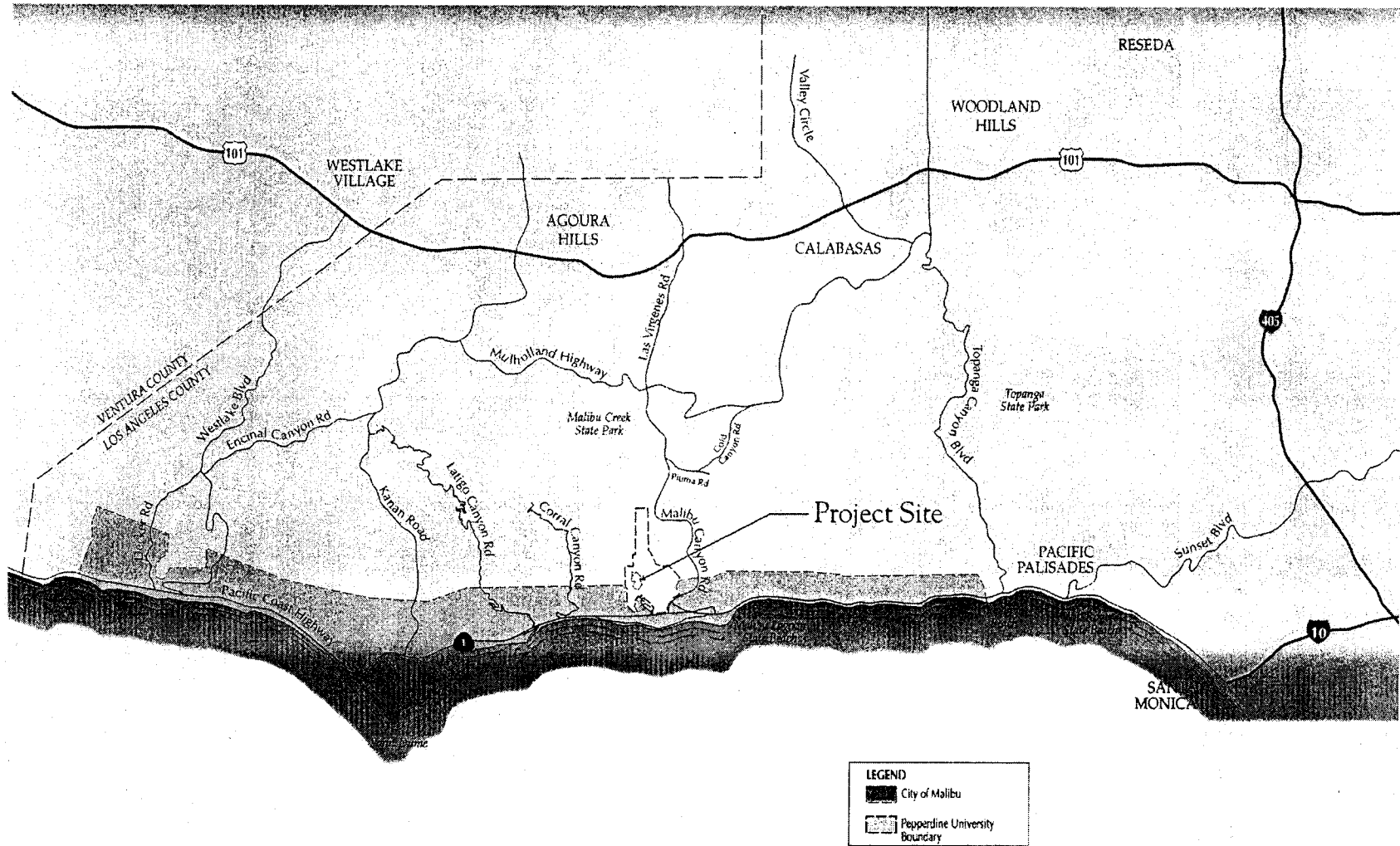
The method used to extinguish the development rights shall be either a Transfer of development Credit type transaction, a lot retirement/lot purchase program (as described in the Malibu/Santa Monica Mountains Land Use Plan, Policy 272, 2-6), or the retirement of habitat or watershed land, located outside the boundary of the University owned property, in an amount that is equivalent to the number of building sites, as determined by the Executive Director of the California Coastal Commission.

The applicant submitted a Vesting Tentative Tract Map 49767 approved by the County of Los Angeles Regional Planning Commission on October 1, 2003. The housing development on the site has been previously approved via NOID 3-99, however, a Tract Map is necessary to prepare the previously approved housing for occupancy by faculty and staff consistent with the University's current housing program and policies on the rest of the campus. The LRDP requires that any division of land required for faculty and staff housing units reflect a restriction on the land regarding the use and sale of faculty and staff housing in order to minimize cumulative adverse impacts. In order to ensure that this restriction is applied, **Special Condition No. One (1)** requires the University to record Covenants, Conditions and Restrictions, which provide that the residential units may only be sold or transferred to, or occupied by, faculty or staff of Pepperdine University. Further, the LRDP provides that in the event that these restrictions are removed, the cumulative impacts shall be adequately mitigated by extinguishing the development rights for residential use on the same number of building sites/lots as those created in the Santa Monica Mountains Coastal Zone, as specifically described in Special Condition No. One (1).

The Commission, therefore, finds that the notice of impending development, as conditioned to record Covenants, Conditions and Restrictions on the use and sale of the staff and faculty housing, and to provide adequate cumulative impact mitigation should these Covenants, Conditions and Restrictions be removed, is consistent with the applicable LRDP policies with regards to new development.

Therefore, the impending development, as conditioned, is consistent with all applicable policies of the certified LRDP.

PEPPERDINE UNIVERSITY NOID 1-04
 EXHIBIT NO. 1
 VICINITY MAP



Local Setting

ENVICOM CORPORATION

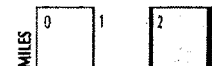
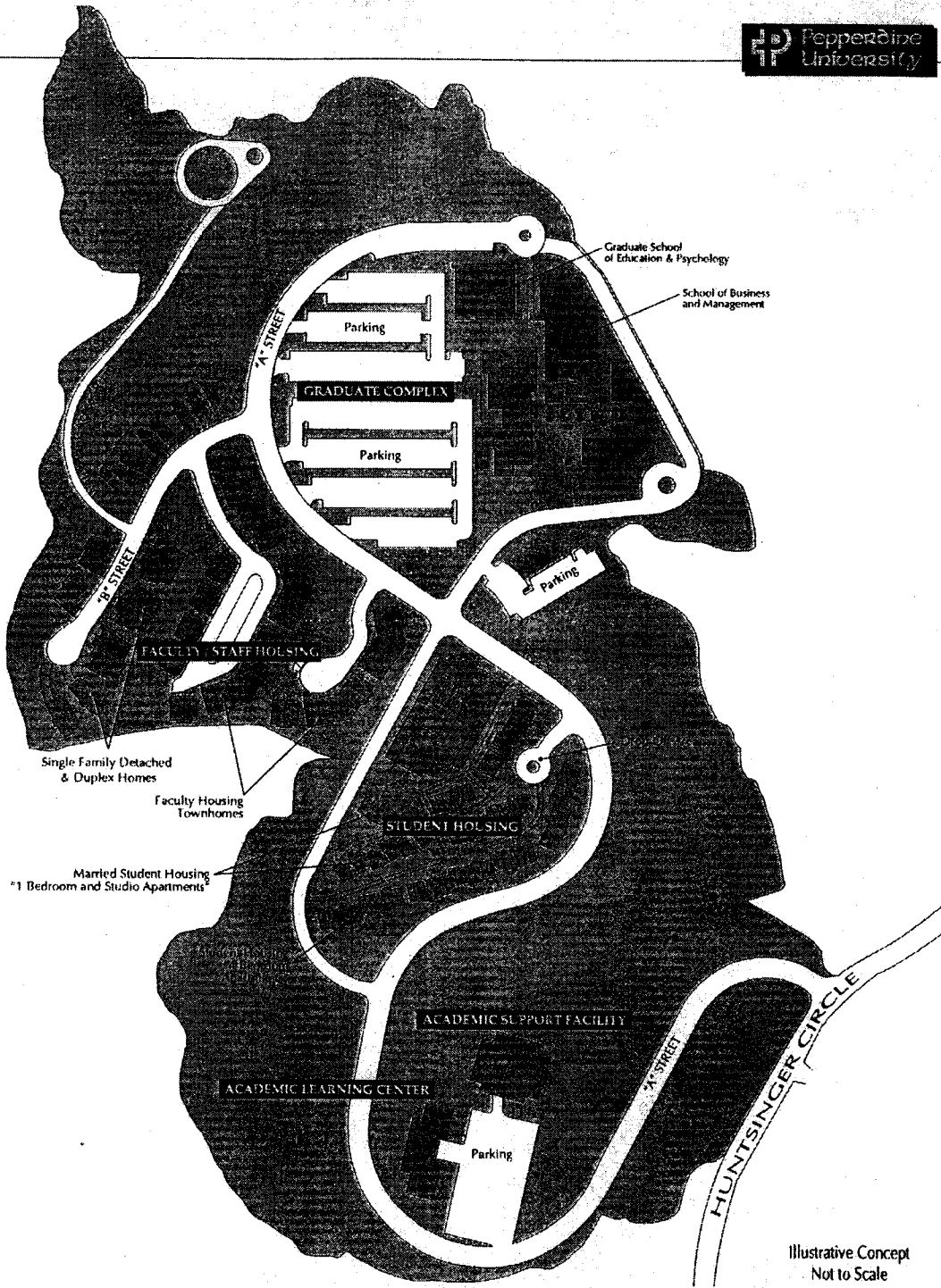


FIGURE 2



Illustrative Concept
Not to Scale

Source: Pepperdine University, 1997

Upper Campus Development

